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HOUSE JOURNAL

ELEVENTH SESSION

Legislative Assembly

STATE OF MONTANA

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at Helena, Montana, 1909

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# HOUSE JOURNAL

OF THE

ELEVENTH SESSION

OF THE

# Legislative Assembly

OF THE

STATE OF MONTANA

---

Convened at Helena, the Capital of said State, on the Fourth Day  
of January, A. D. 1909, and Concluded on the Fourth  
Day of March, A. D. 1909.

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PUBLISHED BY AUTHORITY

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"INDEPENDENT PUBLISHING COMPANY, HELENA, MONTANA."



# HOUSE OF REPRESENTATIVES.

NAME.	Politics.	County.	Postoffice Address.
Allen, W. J. ....	Dem.....	Deer Lodge .....	Anaconda .....
Arnett, Frank C. ....	Rep.....	Valley .....	Culbertson .....
Bogart, D. D. ....	Rep.....	Missoula .....	Missoula .....
Brewster, Geo. W. ....	Rep.....	Rosebud .....	Birney .....
Berkin, John .....	Dem.....	Silver Bow .....	Butte .....
Burke, Ed .....	Dem.....	Deer Lodge .....	Anaconda .....
Butzerin, Albert .....	Rep.....	Missoula .....	Missoula .....
Byrnes, Owen .....	Dem.....	Lewis and Clark..	Marysville .....
Christler, L. J. ....	Dem.....	Chouteau .....	Havre .....
Clayberg, H. L. ....	Dem.....	Lewis and Clark..	Helena .....
Cluston, William .....	Dem.....	Cascade .....	Great Falls .....
Coit, A. B. ....	Rep.....	Sweet Grass .....	Big Timber .....
Connelly, Frank B. ....	Rep.....	Yellowstone .....	Billings .....
Crouch, Samuel J. ....	Dem.....	Broadwater .....	Three Forks .....
Crutchfield, Chas. M. ....	Dem.....	Ravalli .....	Hamilton .....
Cummings, Hugh T. ....	Rep.....	Granite .....	Drummond .....
Cummings, T. A. ....	Rep.....	Chouteau .....	Fort Benton .....
Derry, Chas. A. ....	Rep.....	Missoula .....	Missoula .....
Dowling, P. F. ....	Dem.....	Jefferson .....	Basin .....
Duncan, M. M. ....	Dem.....	Madison .....	Virginia City .....
Edgerton, John .....	Rep.....	Lewis and Clark..	Helena .....
Eliel, Frank .....	Rep.....	Beaverhead .....	Dillon .....
Elliott, W. T. ....	Dem.....	Powell .....	Race Track .....
Frank, H. A. ....	Dem.....	Silver Bow .....	Butte .....
Garber, J. D. ....	Dem.....	Sanders .....	Plains .....
Gibson, Fred L. ....	Rep.....	Park .....	Livingston .....
Giovanetti, Henry .....	Dem.....	Silver Bow .....	Meaderville .....
Gray, A. H. ....	Rep.....	Cascade .....	Great Falls .....
Groff, H. Clay .....	Dem.....	Ravalli .....	Victor .....
Hall, Harry .....	Rep.....	Lewis and Clark..	Helena .....
Hammond, J. S. ....	Dem.....	Silver Bow .....	Butte .....
Hanifen, T. J. ....	Dem.....	Granite .....	Drummond .....
Hayes, John .....	Dem.....	Cascade .....	Great Falls .....
Harbert, James .....	Rep.....	Flathead .....	Kalispell .....
Hunter, James .....	Rep.....	Custer .....	Miles City .....
Hutchinson, E. M. ....	Rep.....	Flathead .....	Whitefish .....
Jacobson, Martin .....	Rep.....	Teton .....	Cut Bank .....
Kelsey, S. R. ....	Rep.....	Custer .....	Brandenburg .....
Kilgallon, T. S. ....	Dem.....	Silver Bow .....	Butte .....
King, James .....	Dem.....	Silver Bow .....	Butte .....
Largey, E. C. ....	Dem.....	Silver Bow .....	Butte .....
Lehrkind, Carl .....	Dem.....	Park .....	Livingston .....
Lowney, Pat .....	Dem.....	Silver Bow .....	Butte .....
Maxwell, D. C. ....	Rep.....	Dawson .....	Glendive .....
Metzel, Frank S. ....	Rep.....	Madison .....	Metzelson .....
Mitchell, Harold G. ....	Dem.....	Deer Lodge .....	Warm Springs .....
Murray, J. T. ....	Rep.....	Beaverhead .....	Wisdom .....
McDowell, W. W. ....	Dem.....	Silver Bow .....	Butte .....
MacGinniss, John .....	Dem.....	Silver Bow .....	Butte .....
McCoy, C. E. ....	Dem.....	Gallatin .....	Belgrade .....
Norton, T. J. ....	Dem.....	Silver Bow .....	Butte .....
O'Donnell, Neil .....	Dem.....	Silver Bow .....	Walkerville .....
Owenhouse, E. J. ....	Dem.....	Gallatin .....	Bozeman .....
Pierson, George W. ....	Dem.....	Carbon .....	Red Lodge .....
Pomeroy, H. C. ....	Rep.....	Flathead .....	Kalispell .....
Roy, Joseph S. ....	Dem.....	Deer Lodge .....	Anaconda .....
Safley, George R. ....	Rep.....	Gallatin .....	Bozeman .....
Shaw, S. A. ....	Rep.....	Meagher .....	Harlowton .....
Shoemaker, J. A. ....	Rep.....	Lewis and Clark..	Helena .....
Smith, Dr. C. W. ....	Rep.....	Fergus .....	Kendall .....
Thompson, Rufus B. ....	Rep.....	Fergus .....	Lewistown .....
Swick, C. L. ....	Rep.....	Deer Lodge .....	Anaconda .....
Ward, William E. ....	Dem.....	Cascade .....	Great Falls .....
Warren, Fred R. ....	Dem.....	Jefferson .....	Whitehall .....
Whaley, William C. ....	Dem.....	Broadwater .....	Bedford .....
Werner, J. A. ....	Rep.....	Lewis and Clark..	Helena .....
White, Harrie W. ....	Rep.....	Deer Lodge .....	Gold Coin .....
Wilham, V. E. ....	Dem.....	Jefferson .....	Clancy .....
Witmer, M. A. ....	Rep.....	Lewis and Clark..	Helena .....
Wood, James T. ....	Rep.....	Meagher .....	White Sul. Spr'gs.
Woody, F. H. ....	Dem.....	Missoula .....	Missoula .....

One tie in Cascade County.

One tie in Madison County.

CHARLES Z. POND, Chief Clerk.



## STATE SENATORS.

NAME.	Politics.	County.	Postoffice Address.
Albright, Jacob .....	Rep.....	Madison .....	Virginia City .....
Annin, J. B. ....	Rep.....	Yellowstone .....	Columbus .....
Cardwell, Edward .....	Dem.....	Jefferson .....	Jefferson Island.....
*Cockrell, W. M. ....	Dem.....	Powell .....	Deer Lodge .....
*Conrow, John M. ....	Dem.....	Park .....	Livingston .....
Cowgill, William .....	Rep.....	Teton .....	Choteau .....
*Daly, Patrick J. ....	Dem.....	Deer Lodge .....	Anaconda .....
Donlan, Edward .....	Rep.....	Missoula .....	Missoula .....
Edwards, J. E. ....	Rep.....	Rosebud .....	Forsyth .....
Everett, T. M. ....	Rep.....	Chouteau .....	Harlem .....
Fairbanks, C. E. ....	Rep.....	Sanders .....	Plains .....
Haviland, W. H. ....	Dem.....	Silver Bow .....	Butte .....
*Kessler, Charles N. ....	Rep.....	Lewis and Clark...	Helena .....
Long, Thomas D. ....	Dem.....	Flathead .....	Kalispell .....
Metcalf, George .....	Rep.....	Granite .....	Philipsburg .....
*Meyer, W. F. ....	Rep.....	Carbon .....	Red Lodge.....
Muffley, Charles S. ....	Dem.....	Broadwater .....	Winston .....
*McCarthy, J. C. ....	Dem.....	Gallatin .....	Bozeman .....
*McCone, George .....	Rep.....	Dawson .....	Glendive .....
*McDonnell, Charles .....	Rep.....	Sweet Grass .....	Melville .....
Rae, H. M. ....	Rep.....	Fergus .....	Gilt Edge .....
Romney, Miles .....	Dem.....	Ravalli .....	Hamilton .....
Sanders, James .....	Rep.....	Cascade .....	Great Falls .....
*Selway, E. O. ....	Rep.....	Beaverhead .....	Dillon .....
*Sykes, Harrison N. ....	Rep.....	Custer .....	Ekalaka .....
*Tooley, C. P. ....	Rep.....	Meagher .....	Two Dot .....
Truscott, J. L. ....	Dem.....	Valley .....	Glasgow .....

\* Holdovers. Elected 1908.

NATHAN GODFREY, Secretary.





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80	A bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance Ex-officio; and to provide for the appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary. ....	58, 86, 109, 116, 117, 119, 126, 132, 134, 148, 228, 232, 234, 275.
81	A bill for an Act to amend Sections 2054 and 2055, of the Revised Codes of Montana, of 1907, relating to the term of contracts for the care, support and maintenance of the sick, poor and infirm of the county. ....	61.
82	A bill for an Act entitled, "An Act to amend Sections 8871, 8872, 8873 and 8874, of the Revised Codes of the State of Montana, of 1907, relating to the destruction of noxious weeds and fixing a penalty for the violation thereof." ....	61, 94, 155, 522.
83	A bill for an Act entitled, an Act to amend Sections 1889, 1890, and 1891, Revised Codes of Montana, of 1907, relating to the powers of the State Livestock Sanitary Board, authorizing the slaughter of diseased animals, or animals exposed to disease and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851, and 1853 of the 1907 Revised Codes of Montana. ....	61, 137, 231, 288, 374, 388, 409, 416, 511.
84	A bill for an Act entitled, "An Act to amend Sections 1358 and 1359, Revised Codes of Montana of 1907. ..	61, 184, 208, 323.



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85	A bill for an an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana of 1907, defining legal fences." .....	61, 92, 119, 155, 158, 184.
86	A bill for an Act to provide for the establishment of grades for streets in unincorporated towns and to pay the expenses thereof. ....	62, 420, 454.
87	A bill for an Act entitled, an Act for the appropriation of money to pay the bounty claim of a certain person. ....	62, 94, 119, 166, 187, 189, 357, 378, 379, 413.
88	A bill for an Act, making it the duty of the Sheriff of each county, to visit in January and July of each year, every place within his county, required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commisioners and to State Examiner. ....	66, 168, 169, 208, 278, 289, 324, 330, 511, 525, 526.
89	A bill for An Act entitled, an Act to prevent the the assignment of wages earned or to be earned in the future; and to secure boarding house keepers, lodging house keepers and merchants for necessities furnished. ....	66, 151, 245, 300, 323, 342.
90	A bill for an Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the years expiring March 1, 1909. ....	66, 85, 109, 116, 117, 119, 123, 174, 194, 209.
91	A bill for an Act to provide for the payment of the actual necessary expenses of judges of the district court when holding court in his district in any county not the county of residence of such judge...	67, 199, 223, 300, 321, 355, 358.
92	A bill for an Act entitled, "An Act to provide for state inspection and grading of grains, and for the inspection of scales used in the weighing thereof, creating the office of State Grain Inspector." .....	67, 325, 355, 385.
93	A bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of Montana relating to the power of corporations to change the corporate name." .....	67, 129, 151, 183, 195, 211, 524, 537.

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94	A bill for an Act entitled, an Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the state. ....	67, 199, 223, 300, 321, 355, 358, 421, 441, 443, 522.
95	A bill for an Act entitled, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue." ....	67, 129, 155, 183, 195, 211.
96	An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to provide for the maintenance thereof. ....	67, 95, 196, 223, 300, 321, 323, 341, 355, 366, 472, 474, 523.
97	A bill for an Act to provide for fire drills in the schools of the state. ....	67, 84, 109, 127, 128, 133, 228, 300, 322, 343, 355, 366, 378, 379, 412.
98	A bill for an Act entitled, an Act to amend Sections 8393, 8394, 8395, and 8396, of the Revised Statutes, 1907, of the State of Montana, relative to indecent exposures, exhibitions and pictures. ....	67, 93, 119, 166, 187, 190.
99	A bill for an Act entitled, "An Act to amend Section 8336 of the Revised Statutes of the State of Montana of 1907, relating to the definition of the crime of rape. ....	67, 110.
100	A bill for an Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana, 1907, relating to certificates of qualifications of teachers and to amend Section 908 Revised Codes of Montana, of 1907, relating to qualification of teachers. ....	67, 93, 119, 166, 167, 218, 272, 351, 361, 371, 385, 406, 474, 483, 484.
101	A bill for an Act entitled, "An Act to empower cities and municipal corporations to regulate the rates of fare that may be charged by street car companies, hack companies, cab companies, and individuals engaged in the transportation of passengers and empowering such cities and municipal corporations to fix a schedule of services and character of cars. required upon street car lines." ....	67, 85.

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102	A bill for an Act entitled, an Act to punish book-making and pool selling and making of bets and wagers by unlicensed persons, to provide for the issuance of licenses for such business and provide for collection of fees for such licenses. ....	68, 142, 152, 181, 189, 203, 267, 283, 340.
103	A bill for an Act entitled, an Act to amend Section 1134 of the Revised Codes of the State of Montana, and to provide for the care, custody and control of insane persons and persons addicted to the use of deleterious drugs. ....	68, 119, 164.
104	A bill for an Act entitled, an Act appropriating money for the payment of certain notary public fees erroneously collected. ....	74, 93, 119, 166, 167, 187, 248, 257, 264, 291.
105	A bill for an Act entitled, an Act appropriating the sum of \$2500.00 to aid in stocking a bison range within the limits of the State of Montana. ....	74, 95, 109, 130, 179, 195, 210, 357.
106	A bill for an Act entitled, an Act appropriating money for the payment of deficiency claims, account requisitions. ....	74, 92, 119, 166, 167, 187, 189, 249, 257, 264, 291.
107	A bill for an Act entitled, an Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof. ....	74, 93, 130, 167, 205, 229, 357, 378, 379, 412.
108	A bill for an Act entitled, "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act. ....	74, 140, 147, 151, 184, 237, 252, 253, 268, 274, 507, 526, 530, 533.
109	A bill for an Act entitled, "An Act appropriating money for the purchase and equipment of a dormitory, boarding place and gymnasium to the property of the Montana State School of Mines, at Butte, Montana." ....	74, 396, 435, 454.

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110	A bill for an Act to amend Section 2746, Revised Codes of Montana, of 1907, relating to licenses.....	74, 169, 208, 278, 289, 324, 394, 399, 407.
111	A bill for an Act prohibiting persons from representing themselves as members of any profession, for which a license or certificate to practice the same is required by the laws of this state. ....	74, 248, 251, 288, 354, 361, 374, 387, 392, 466,
112	A bill for an Act providing for the appointment of a commission, making an appropriation for the the exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana, at the Alaska-Jukon Pacific Exposition to be held at Seattle, Washington, in the year 1909. ....	74, 429.
113	A bill for an Act to amend Sections 220, 221 and 222, and repeal Section 224 of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of members, officers, and employees of the Legislative Assembly. ....	75, 110, 129, 155, 237, 252, 253, 263, 264, 274, 346, 378, 382, 461.
114	A bill for an Act entitled, "An Act relating to the ownership and disposal of the property of Baptist churches and societies which have become extinct, or for any reason have ceased to maintain religious worship or services continuously for a period of two years. ....	75.
115	A bill for an Act, entitled an Act to regulate the practice of the profession of public accounting. ..	75, 129, 155, 182, 196, 229, 357, 378, 379, 461.
116	A bill for an Act entitled, "An Act to amend Section 4882, Revised Statutes 1907, relating to the compensation of water commissioner. ....	75, 198.
117	A bill for an Act making an appropriation for buildings, livestock and improvements on the sub-experimental station of the Agricultural College in Fergus County. ....	87, 429.
118	A bill for an Act to amend Section 882 of the Revised Codes of Montana, of 1907, relating to the letting of contracts by School Trustees. ....	88, 139, 155, 195, 305, 229, 357, 378, 412.



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119	A bill for an Act entitled, "An Act making appropriations for the protection of the livestock industry in the State of Montana, and to defray the expenses incurred therein for the fiscal years ending November 30, 1909 and November 30, 1910. ....	88, 333, 428.
120	A bill for an Act entitled, "An Act requiring all mortgages, bonds for deeds, deeds of trust, contracts for the purchase or sale of property, and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein. ....	88, 110, 502, 532.
121	A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Statutes of Montana, of 1907, relating to the disqualifications of judges and juries.	88, 252, 363, 440.
122	A bill for an Act entitled, "An Act to amend Sections 1484 and 1488 of the Revised Codes, 1907, of the State of Montana, relative to the appointment and duties of Boards of Health. ....	88, 119, 155, 179, 237, 252, 253, 263, 328.
123	A bill for an Act to amend Section 1815, of the Revised Codes of Montana, of 1907, relating to the record of horses and other livestock sold at public markets. ....	88, 109, 130, 195, 211, 261, 276, 340.
124	A bill for an Act entitled, "An Act to amend Section 5819, Chapter C, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Logger's Liens." ....	88, 152, 184, 255, 265, 275, 386, 457, 474, 483, 484.
125	An Act entitled, an Act to provide for the purchase of an independent water supply for the State Capitol Building and Grounds, and to contract for the construction of necessary pipe lines, hydrants and reservoirs. ....	88, 102, 440.
126	A bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection of wild game and beaver, and preventing the sale of beaver skins and providing a punishment for the violation of this Act. ....	88, 109, 159, 162, 164, 187, 190, 427.
127	A bill for an Act entitled, "An Act requiring the State Board of Commissioners for Insane and the Clerk thereof of the State of Montana, to make	

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	reports to the district court, showing the condition of the inmates of said Asylum." .....	97, 154, 208, 278, 324, 330, 440, 459, 460.
128	A bill for Act entitled, "An Act appropriating money for the construction of a farm house for the purchase of implements and trees for the Horticulture Sub-station in Ravalli County." .....	97, 429, 443, 537.
129	A bill for an Act to amend Section 3850 of the Revised Codes of Montana, of 1907, relating to the annual reports and statements of corporations. .	97, 243, 524.
130	A bill for an Act making it the duty of the Sheriff of each county to visit in January and July, of each year, every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commissioners and to State Examiner. ....	97, 168.
131	A bill for an Act entitled, "An Act to amend Section 1344, and to repeal Sections 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354 and 1355 of the Revised Codes of Montana, of 1907, concerning road taxes and funds. ....	98, 410.
132	A bill for an Act entitled, "An Act to amend the title to Article 3, Chapter 2, Title 7, Part 3, of the Political Code, Revised Codes of Montana, 1907, by inserting the word "Quartz" between the words "of" and "mining" in said title, so that the title of the articles will be read "Regulation of the industry of quartz mining" and amend Sections 1711, 1712, 1713, 1714, 1715, and 1716 of Article 3, Chapter 2, Title 7, Part 3 of the Political Code of the Revised Codes of Montana, referring to the regulation of the industry of mining, by providing for the appointment and election of a quartz mining inspector and a deputy quartz mining inspector and providing for the filling of a vacancy in case of the death, resignation or removal from office of the quartz mining inspector and deputy quartz mining inspector, and defining their qualifications and duties and providing penalties for the violation of the provisions of this article as far as the same relate to the said sections. ....	98, 350, 362, 418, 454, 472.
133	A bill for an Act entitled an Act relating to the proof of corporate existence and providing for the manner of proving the corporate character of any corporation, domestic or foreign. ....	98, 130, 172, 292, 296, 340, 349, 524, 537, 539, 540.

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134	A bill for an Act to amend Sections 3211, 3212 and 3214 of Article 1, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana of the compilation of 1907, relating to the election of officers of cities of first, second and third class. ....	98, 137.
135	A bill for an Act entitled, an Act to amend Section 8475 of the Revised Statutes of Montana, of 1907, relating to trespassing stock. ....	98, 185, 208.
136	A bill for an Act entitled, an Act to provide for the protection and safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the inspection of such structures, by the Commissioner of the Bureau of Agriculture, Labor and Industry, and by local building inspectors and to provide for penalties and damages for the violation thereof. ....	98, 174, 208, 293, 296, 340, 349, 505, 523, 536, 540.
137	An Act to amend Sections 8582 and 8585 of the Revised Codes of Montana, of 1907, relating to the carrying of concealed weapons in cities and towns and in places of public resort. ....	98, 339.
138	A bill for an Act to amend Sub-division 10, of Section 6339 of the Revised Codes of Montana, of 1907, exempting licensed undertakers from acting as jurors. ....	99, 139.
139	A bill for an Act to amend Section 7299, of the Revised Codes of Montana, of 1907, and to extend the time for commencing actions for the foreclosure of mechanics liens. ....	99, 110.
140	A bill for an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending February 28, 1909. ...	103, 129, 155, 237, 252, 253, 262, 357, 378, 379, 412.
141	An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same. ....	103, 172, 245, 323, 354, 361, 377, 379, 441, 474, 511.
142	A bill for an Act to amend Section 3478 of Article II, Chapter 6, Title 3, Part 4, of the Political Code of Montana. ....	103, 140, 155, 172.
143	A bill for an Act entitled, "An Act to amend Section 2887 of the Revised Statutes of Montana, of 1907, relating to the meetings and proceedings of the	

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	Boards of County Commissioners and the publication thereof." .....	103, 168, 208, 292, 296, 340, 349, 355, 385, 386.
144	A bill for an Act entitled, "An Act to amend Section 1433 of the Revised Codes of Montana, of 1907, relating to penalties for violation of Sections 1429, 1430 and 1431 of the Revised Statutes of Montana, of 1907, relating to the use of motor vehicles." ....	103, 160.
145	An Act entitled, "An Act for the protection of employees quitting their employment, or discharged employees, and providing penalties for the violation of this Act." .....	103, 194, 208, 277, 286.
146	A bill for an Act entitled, "An Act to provide for the construction and furnishing of a state fish hatchery in Flathead County, Montana, for the propagation of commercial food fish and other fish, and appropriating money therefor." .....	103, 224, 281.
147	A bill for an Act entitled, "An Act to create the County of Musselshell, designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between the said county of Musselshell and the counties of Yellowstone and Fergus." .....	112, 213, 272, 273, 326, 331.
148	A bill for an Act concerning the duration and renewal of life insurance corporations and the number of directors therefor. ....	112, 181, 208, 292, 297, 340, 349, 421, 441, 443, 522.
149	A bill for an Act entitled, "An Act to improve the sanitary condition of quartz mines by providing for the proper ventilation of the same, and providing for toilets and the cleansing of said toilets and underground stables and the removal of all filth from the underground workings of said mines, and providing penalties for the violation of this Act."..	112, 362, 418, 454, 472.
150	A bill for an Act entitled, an Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing, to be designated as Section 4234, providing a penalty for violation of Section 4233, of the Political Code. ....	112, 142, 184, 255, 265, 275, 511.
151	A bil for an Act entitled, "An Act to amend Section 2759 of the Revised Statutes of Montana, of 1907, relating to the license of retail liquor dealers. ....	112, 266.



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152	A bill for an Act entitled, "An Act to create and establish a home for the care, maintenance, and employment of blind men and women; providing for the location, management and regulation thereof; and providing an appropriation and revenue for the maintenance of same." .....	113, 155, 208, 385, 396, 523, 533.
153	A bill for an Act entitled, an Act to repeal Section 8368 of the Revised Statutes of the State of Montana, 1907, relating to the burial of bodies without physicians certificate. ....	113, 155, 237, 252, 253, 268, 421, 441, 443, 522.
154	A bill for an Act entitled, "An Act to repeal Sections 1760, 1761, 1762, and 1763 of Chapter III, Article I, of the Revised Statutes of the State of Montana, 1907, relating to the registration of deaths and births." .....	113, 140, 142, 155, 165, 185, 196.
155	A bill for an Act entitled, "An Act to amend Section 1402, of the Political Code of the State of Montana, relating to the distribution of the Revised Statutes and Session Laws." .....	113.
156	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana." .....	113, 129, 155, 237, 253, 267, 357, 378, 379, 413.
157	A bill for an Act entitled, "An Act regulating the taxation of mortgage debts, and mortgaged property and the payment of taxes thereon and making mortgages, for the purpose of assessment, and taxation, interests in the mortgaged property." .....	113, 502.
158	A bill for an Act to amend Sections 953, 958, and 959, of the Revised Codes of Montana, of 1907, relating to the examination and qualification of teachers, and to the grade of teachers' certificates, and to amend Section 953 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907. ....	113, 257, 345, 361, 371, 391, 394, 395, 422, 505.
159	A bill for an Act entitled, "An Act to repeal Section 4015 of the Revised Codes of Montana, concerning corporations of this State. ....	121, 320.

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160	A bill for an Act entitled, "An Act to amend Sections 3808, 3825, and 3826 of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations, to acquire, own, hold, mortgage, pledge, and dispose of capital stock bonds, securities, or other evidences of indebtedness of other corporations." .....	121, 139, 147, 184, 237, 238, 253, 256, 269, 274, 423, 425, 436, 437, 443, 457, 472, 474.
161	A bill for an Act to provide for the erection of docks and wharves on the navigable waters within the State of Montana, and to provide for their management and control. ....	121, 174, 208, 292, 298, 340, 350, 386, 394, 399, 461.
162	A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a women's dormitory at the Montana Agricultural College, at Bozeman, Montana." .....	121, 155, 408, 435, 454, 475, 490, 499, 524, 537, 539.
163	A bill for an Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana, of 1907, relative to the issuance of state and life certificates. ....	121, 290, 355, 351, 371, 384, 395, 505.
164	A bill for an Act entitled, "An Act to prohibit the manufacture, making, sale, exchange, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any papers or wrappers for the purpose of being filled with tobacco for smoking and prescribing penalties therefor." .....	121, 141, 155, 182, 195, 212.
165	A bill for an Act to amend Section 2841 of the Revised Codes of Montana, of 1907, being Section One of an Act entitled, "An Act to create the county of Sanders, designate its boundaries and to provide for its organization and government," approved February 7, 1905. ....	121, 258, 332, 345, 354, 361, 369, 384, 394, 409.
166	A bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds." .....	130, 198, 208, 292, 297, 340, 350, 462, 472, 474, 522.

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167	A bill for an Act entitled, "An Act to amend Section 1776 of the Revised Codes of the State of Montana relative to registration of births and deaths.".....	130, 186, 196, 524.
168	A bill for an Act entitled, "An Act to amend Section 8563, of Title 10, Part 1, of the Penal Code of Montana, 1907, providing for certain penalties for violation of same in relation to quartz mining." .....	130, 293.
169	A bill for an Act entitled, "An Act to amend Section 1722, Article 3, Chapter 2, Title 7, Part 3, of the Political Code, Revised Codes of Montana, 1907, relating to regulation of the industry of mining and providing penalties for the violation of same."....	130, 173, 292.
170	A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license. ....	130, 152, 208, 323, 243, 354, 361, 377, 380, 462, 472, 474, 522.
171	A bill for an Act entitled, "An Act to amend Section 2742 of the Revised Codes of 1907, relating to the payment of taxes under protest." .....	130, 242, 243 248, 288, 354, 361, 374, 388, 409, 414, 506, 526.
172	A bill for an Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to the compensation allowed to deputy and assistant county officers."	130, 180, 208, 292, 297, 340, 421, 441, 443, 522.
173	A bill for an Act entitled, "An Act requiring all saloons and places where intoxicating liquors are sold, or in any manner dispensed, under a license issued under the laws of the State of Montana, to be and remain closed from and after twelve o'clock midnight until six o'clock A. M." .....	130, 244, 283, 484.
174	A bill for an Act entitled, "An Act to amend Section 6384, of the Revised Codes of Montana, of 1907, (Section 393 of the Code of Civil Procedure), relating to the oath to be taken by attorneys at law on admission to practice." .....	142, 213, 272, 505.
175	A bill for an Act to amend Section 2197, Revised Codes of Montana of 1907, and authorizing the State Board of Land Commissioners to invest the permanent school fund, permanent university fund, permanent agricultural college fund, permanent school of mines fund, permanent state normal school fund, permanent reform school fund and permanent deaf and dumb asylum fund in any state, county,	

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	city or school district securities of this state, or in any bonds issued against the state land grant for buildings at the capitol, or in any irrigation district bonds of the State of Montana. ....	142, 226, 272, 478, 505, 523. 143.
176	A bill for an Act entitled, "An Act to provide for the Torrens Land Title System." ....	142.
177	A bill for an Act to amend Section 9258 of the Revised Codes of Montana, of 1907, relating to the challenges of jurors in criminal actions. ....	143, 217.
178	A bill for an Act entitled, "An Act to amend Sections 1608, 1609, 1616 of the Revised Codes of the State of Montana, relating to the regulation and practice of optometry in the State of Montana." ....	143, 185, 196.
179	A bill for an Act entitled, "An Act to provide for the registration and examination of all trained nurses, fixing the number, duties and qualifications of said board and providing for the registration of trained nurses and fixing penalties for the violation of said Act." ....	143, 185.
180	A bill for an Act entitled, "An Act appropriating money for the purchase and improvement of grounds for the Montana State School of Mines, located at Butte, Montana." ....	143, 428.
181	A bill for an Act entitled, "An Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenging of trial jurors in criminal actions." ....	143, 213, 241.
182	A bill for an Act to regulate common carriers and to provide for certain applicances, rules and regulations looking to the safety of the travelling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto. ....	143, 244, 247, 301, 406, 478, 505, 509, 510, 518.
183	An Act appropriating money for certain buildings and improvements at the Experiment Station, at Bozeman, Montana. ....	143, 429.
184	A bill for an Act entitled, "An Act appropriating money for the maintenance expenses of the Montana School for the deaf, blind and feeble minded at Boulder, Montana, for the months of January, and February 1909, and to pay the December 1908 payroll and to settle for certain emergency repairs and improvements owing to defective sanitary conditions of buildings." ....	143, 288.



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185	A bill for an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management protection and disposition of the timber growing thereon and the coal, oil, and minerals therein; providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for the use upon state lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act. ....	144, 417.
186	A bill for an Act entitled, "An Act to provide for the selection of a site for the erection of a state hospital to be located at or near Butte, Silver Bow County, Montana, to be called the "State Hospital for injured persons" and to provide for the management of the same." .....	144, 222, 272.
187	A bill for an Act to appropriate five thousand dollars for the improvements at the State Reform School..	144, 429.*
188	A bill for an Act to provide for a state levy of taxes for the support of the government of the State of Montana, for the years 1909 and 1910, and to provide for a state levy of taxes for the years 1909 and 1910 for the payment of interest on, and to create a sinking fund for the redemption of bonds issued by the State of Montana. ....	147.
190	A bill for an Act entitled, "An Act to amend Section 1346 of the Revised Codes of Montana, of 1907, relating to taxes for road purposes." .....	153, 184, 208, 292, 297, 340.
191	A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of a publicity bureau for the State of Montana; to prescribe the selection, powers and duties of a Commissioner of Publicity; to provide for the acquisition and for the maintenance of a hall of exhibits of the resources, progress and development of Montana, and to make an appropriation therefor." .....	153, 173, 208, 239, 253, 254, 357.
192	A bill for an Act entitled, "An Act to amend Section 954 of the Revised Codes of Montana of 1907, relating to jury trials." .....	153.
193	A bill for an Act entitled, "An Act to create and establish a law school, to be conducted and operated as a department of the University of Montana, and to make an appropriation therefor." .....	153, 428.

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194	A bill for an Act entitled, "An Act to provide for the collection and display of an exhibit of the resources and the products of the State of Montana, at the Alaska-Yukon Pacific Exposition to be held at Seattle, Washington, in 1909, and providing an appropriation therefor." .....	153, 431, 478, 479, 492, 495, 506.
195	A bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana, of 1907, relating to the punishment of attempt to commit crime." .....	153, 241.
196	A bill for an Act to amend Section 6800 of the Revised Codes, relating to appeals from Police and Justice's Courts. ....	153, 323, 355.
197	A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from police and justice's court. ....	153, 223, 272.
198	A bill for an Act to amend Section 1770 of the Revised Codes of Montana of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death. ....	153, 185, 208, 292, 297, 340, 352, 421, 441, 443, 522.
199	A bill for an Act to amend Section 1504 of the Revised Statutes of Montana, of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana, by a legally qualified physician and surgeon to be designated and paid for out of the general fund by the Board of County Commissioners of each county the designation of such physician and surgeon to be approved by the State Board of Health. ....	154, 185, 196.
200	A bill for an Act to provide for the gathering and sale of horses, mules, and asses, the ownership of which is uncertain or unknown. ....	154, 185, 208, 292, 297, 340, 351.
201	A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over." .....	160, 215, 245, 300, 322, 343, 402, 505, 509, 520, 525, 526.
202	A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, of 1907, relating to the salary and compensation of deputies to county officers and assistants. ....	160, 240, 301, 396, 408, 447, 459, 469, 509, 511, 512, 518, 533, 540.

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203	A bill for an Act entitled, "An Act to amend Sections 3318, 3321, and 3324 of the Revised Statutes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of the first class."	160, 186, 208, 230, 292, 298, 340, 351, 386.
204	A bill for an Act to amend Section 1959 of the Revised Codes of Montana, of 1907, relating to the seizure and sale of game, or parts thereof, and of fish, caught or held in violation of law and prescribing penalties.	160, 225, 272, 454, 475, 506, 509, 517, 524, 540.
205	A bill for an Act entitled, "An Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor."	160, 281, 284, 355, 454, 475, 500, 509, 514, 526, 539.
206	A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."	160, 332, 355, 454, 475, 483, 487, 524, 533, 540.
207	A bill for an Act entitled, "An Act to amend Section 3206 of the Revised Codes of Montana of 1907, relating to the classification of cities and towns."	160, 186.
208	A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."	161, 362, 384, 396, 408, 446, 459, 467, 524, 533, 540.
209	A bill for an Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph, or telephone stations, to report delayed trains, prescribing the method thereof, and providing penalties.	161, 243, 247, 288, 354, 361, 374, 388, 409, 414, 506, 523, 536, 537, 540.
210	A bill for an Act entitled, "An Act concerning tree planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana, 1907."	161, 290, 355, 274, 388, 409, 414, 521, 525, 533, 540.
211	A bill for an Act entitled, "An Act to create the County of Shaw, to define its boundaries and to provide for its organization."	161, 242, 288, 327, 396, 454, 476, 506, 509, 517.

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212	A bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of the State of Montana, of 1907, relating to personality." .....	161, 199.
213	A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coal and to provide for payment for loss in transit." .....	161, 328, 337, 355, 361, 371, 384, 385, 396, 408, 445.
214	A bill for an Act to amend Section 1497 of the Revised Codes of Montana, of 1907, relating to Boards of Health. ....	161, 245, 247, 288, 319, 320, 354, 361, 374, 388, 389, 409, 413, 512, 526.
215	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor." .....	161, 197, 223, 300, 321, 355, 359, 423, 441, 443, 522.
216	A bill for an Act entitled, "An Act to prohibit the mining, production or sale of coal for commercial purposes by railroad or transportation companies." .....	161, 257.
217	A bill for an Act to authorize Public Administrators to require statements from persons and corporations having in their possession or control money, or other personal property belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred dollars. ....	161, 338, 355, 408, 448, 465, 480, 521, 539.
218	A bill for an Act to amend Sections 317, 318, 320, 325, 327, and 328 of the Revised Codes of Montana, of 1907, making the jurisdiction of notaries public co-extensive with the boundaries of the state, and relating to the manner of certifying their official acts and authorizing the secretary of state and county clerks to certify to the official character of notaries public, providing the fees therefor, and the execution and approval of their bonds. ....	161, 198, 223, 300, 321, 355, 359, 421, 441.
219	A bill for an Act entitled, "An Act concerning railroads and to better protect the lives of railway employees and the traveling public, and providing penalties for the violation thereof." .....	162, 400.

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220	A bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphans' Home or Asylum. ....	162, 197, 223, 300, 321, 355, 359, 421, 443, 523.
221	A bill for an Act entitled, "An Act to determine the liability of any company, corporation or individual for damages sustained by any employees thereof and to declare void contracts restricting such liability."	162, 199.
222	A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary. ....	162, 216, 272, 300, 321, 322, 355, 360, 466, 523, 429, 533, 537, 539.
223	A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, of 1907, relating to judges and clerks of election, voting precincts and election precincts within cities and towns." .....	162, 209, 354, 361, 369, 391, 407, 462, 472, 474, 522.
224	A bill for an Act entitled, "An Act to amend Section 3238 of the Revised Codes of Montana, of 1907, relating to the official bonds of officers of cities."	176, 180, 217, 474.
225	A bill for an Act to amend Sections 2268, 2271 and 2272 of the Revised Codes of Montana, of 1907, relating to the reclamation and settlement of arid lands selected by the state under the provisions of the Act of Congress commonly known as the "Carey Act" approved August 18, 1894, and to repeal Section 2270 of the Revised Codes of Montana, of 1907.	176, 334.
226	A bill for an Act entitled, "An Act to provide for the regulation of the manufacture and sale of creamery butter." .....	176, 230, 249, 355.
227	A bill for an Act to provide for a chemist and bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor. ....	176, 376, 409, 427, 449, 458, 466, 472, 474.
228	A bill for an Act to conform the organization and discipline of the organized militia of the State of Montana to the requirements of the Act of Congress entitled, "An Act to promote the efficiency of the militia and for other purposes", approved January	



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	21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1056, 1060, 1062, 1074, 1082, and 1100 of the Revised Codes of Montana, of 1907, relating to the militia and national guard of Montana. ....	176, 232, 283, 374, 388, 389, 409, 416, 512, 533, 540.
229	A bill for an Act amending Sections 1390, 1392, and 1395, and repealing Sections 1393, 1394, and 1396, of the Revised Codes of Montana, of 1907, and providing for the filing of a petition for highways, and constituting the board of county commissioners a board of viewers for the altering or discontinuance of any highway or for laying out a new highway, and how the same shall be laid out and how changed or abandoned. ....	176, 410, 454.
230	A bill for an Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution. ....	176, 196, 429.
231	A bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections 2886, 2891, 2892 and 2893 of the Revised Codes in conflict herewith and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected. ....	177, 240, 288, 374, 389, 409, 416, 512.
232	A bill for an Act to regulate the practice of veterinary surgery in all its various branches in the State of Montana; providing for a State Veterinary Board and prescribing for its duties; prescribing penalties for violation and repealing all inconsistent Acts. ...	177, 231, 317.
233	A bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana, of 1907, relating to witnesses." ....	177, 241, 245, 301, 323, 342, 355, 365, 521, 441, 443, 523.
234	A bill for an Act entitled, "An Act to appropriate money for the per diem and mileage of witnesses called by the Joint Committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office and to pay the expenses of taking and transcribing testimony and serving subpoenas in said investigation." ....	177, 180, 208, 292, 295, 340, 352, 421, 421, 441, 443, 523.

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235	A bill for an Act declaring it a misdemeanor for a man and woman to associate together for lewd or immoral purposes. ....	187, 216, 281.
236	A bill for an Act entitled, "An Act to amend Section 3241 of the Revised Codes of Montana, 1907, relating to the salary of police judges. ....	187, 281, 476.
237	A bill for an Act entitled, "An Act to restrict the sale or other disposition of cocaine, opium or any of its alkaloids, providing penalties for the violation of any of the provisions of this Act, and repealing all Acts and parts of Acts in conflict herewith." .....	187, 245, 247, 288, 354, 361, 374, 388, 415, 506.
238	A bill for an Act to amend Sections 2680 and 2682 of the Revised Codes relating to tax sales of real property. ....	187, 355, 454, 375, 506, 509, 517.
239	A bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain and manner of enforcement." .....	187, 217.
240	A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of, and the assistants to the State Examiner. ....	187, 318, 355, 454, 475, 478, 500, 509, 514, 524.
241	A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana, of 1907, relating to gambling and gambling devices." .....	187, 217, 272, 323, 342, 349, 355, 366, 422.
242	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of Capitol Building and Grounds, maintenance and care." .....	187, 333, 342, 355, 478, 523, 532, 540.
243	A bill for an Act entitled, "An Act to provide for the assessment of livestock, creating a migratory stock fund, and providing for the collection and distribution of taxes thereon." .....	188, 216, 272, 323, 354, 360, 380, 242, 440, 506, 526, 540.
224	A bill for an Act relating to the deposit of funds in the hands of the State Treasurer, designating the depositaries thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution creating a State Depository Board. ....	200, 376, 408, 409, 448, 481, 511, 526.

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245	A bill for an Act entitled, "An Act to provide for non-partisan nominations for Judicial Offices." .....	200, 238, 288, 478, 505, 509, 511, 519, 524, 526, 539.
246	A bill for an Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana. ....	200, 429, 433, 454, 478, 492, 494.
247	A bill for an Act entitled, "An Act to amend Section 3245 of the Revised Codes of Montana, 1907, relating to the salary of the chief of police within cities."..	200, 216.
248	A bill for an "Act to appropriate two hundred and fifty (\$250.00) dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector, in Chouteau County, from December 1, 1904, to March 31, 1905, inclusive."..	200, 333, 355, 360, 427, 450, 474, 481, 512.
249	A bill for an Act entitled, "An Act to provide for the submission to the qualified voters of any county the question whether book-making or pool selling, or the record, or registering of bets or wagers shall be allowed within said county." .....	200, 214.
250	A bill for an Act entitled, "An Act to amend Section 8557, of the Revised Codes of Montana, of 1907, relating to the pollution of streams, and to repeal Section 8558 of the Revised Codes of Montana, of 1907." .....	200, 241, 301.
251	A bill for an Act entitled, "An Act to repeal Section 1917 and amend Sections 1976 and 1977 of the Revised Codes of Montana, of 1907, relating to hunting and fishing licenses, and issuing on account of same." .....	200, 288, 355, 374, 389, 409, 415, 443, 476, 478, 539.
252	A bill for an Act to provide for the taxation of sleeping car companies, and providing the method of fixing the same. ....	200, 243.
253	A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of School Physicians." .....	201, 288, 354, 368, 374, 389, 417, 420.
254	A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana, of 1907, relating to the organization of cities and towns."..	201, 232, 272, 323, 354, 360, 377, 380, 462, 472, 522.

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255	A bill for an Act entitled, "An Act to amend Sections 3386 and 3387 of Article X, Chapter III, Title III, of Part IV of the Revised Codes of Montana, relating to the assessment of city property for street improvements." .....	201, 278.
256	A bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana, of 1907, relative to the Division of cities and towns into wards by city or town councils." .....	201, 251, 288, 323, 354, 360, 377, 380, 506, 525, 526.
257	A bill for an Act to regulate the public service of stallions and jacks in Montana, .....	201, 282, 283, 355, 361, 370, 393, 441, 478, 505, 509, 511, 519.
258	A bill for an Act to amend Section 4213, of the Revised Codes of Montana, of 1907, relating to fees of the Secretary of State for filing incorporation papers of co-operative associations. ....	201, 219, 317, 355, 523, 533.
259	A bill for an Act prohibiting the wearing of the uniform of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof." .....	206, 232, 272, 354, 361, 370, 384, 393, 462, 472, 474. 522.
	A bill for an Act to establish a sub-experimental station in Sweet Grass County, Montana and providing for the acquisition or acceptance of title, to the lands for the same and direction thereof and appropriating money therefor. ....	206, 428, 524.
261	A bill for an Act entitled, "An Act to amend Section 6813 of the Revised Codes, and to repeal Section 6818 of the Revised Codes, relating to the issuance of executions." .....	206, 324, 325, 326, 355, 478, 505, 524.
262	A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grandstand of the Montana State Fair." .....	206, 428.
263	A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars." .....	207, 243, 301, 374, 408, 444, 474, 480.
264	A bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this state. ....	207, 374.

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265	A bill for an Act entitled, "An Act to amend Section 9749 of the Revised Codes of Montana of 1907, relating to the use of exhibits as evidence.".....	207.
266	A bill for an Act entitled, "An Act to amend Section 3240 of the Revised Codes of Montana, 1907, relating to the salary of mayor and alderman of cities and towns." .....	207, 279.
267	A bill for an Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same. ....	207, 319, 355, 396, 408, 447, 474, 482.
268	A bill for an Act to punish derogatory statements affecting banks. ....	207, 320, 355, 523, 535.
269	A bill for an Act relating to the payment of deposits in two names. ....	207, 315, 355, 396, 408, 447, 474, 480, 511, 526.
270	A bill for an Act to amend Section 5923 of the Revised Codes of Montana, relative to the payment of instruments made payable at a bank. ....	207, 318, 355, 427, 450, 480, 512, 525, 526.
271	An Act to punish the making or use of false statements to obtain credit. ....	207, 385, 397, 421, 499, 505, 509, 511, 520, 524, 540.
272	An Act fixing the liability of a bank to its depositor for the payment of forged checks or raised checks. ....	207, 355, 427, 450, 474, 485, 512, 525, 526.
273	An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations. ....	207, 318, 355, 427, 450, 474, 485, 512, 525, 526.
274	A bill for an Act to amend Section 4213 of the Revised Codes of Montana, of 1907, relating to the fees of Secretary of State, for filing incorporation papers of co-operative associations. ....	207, 256, 502.
275	A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana, of 1907, authorizing and empowering the State Game and Fish Warden to create additional game and fish dis-	



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	tricts and to appoint additional special Deputy Game and Fish Wardens." .....	207, 271, 345, 374, 396, 408, 427, 441, 459, 467, 523, 524, 529, 533, 527, 539.
276	A bill for an Act entitled, "An Act to amend Section 1805 of the Revised Codes of Montana, of 1907, relating to the inspection of horses before removal from the state." .....	219, 257, 345, 533, 535.
277	A bill for an Act to define banking, to prohibit banking except by banks incorporated under National or Montana banking laws, or by foreign banking corporations complying with Montana laws, limiting use of word "bank", "Banker", or "banking", exempting private banks doing business January 31, 1909, from the Act, and fixing penalties for violation thereof. ....	219, 317, 355, 454, 475, 500, 509, 513.
278	A bill for an Act to amend Chapter 106, of the laws of 1905, being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor" by amending Sections 5 and 6, of Article 1, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19, of Article II, Sections 1, 2, 3, and 4 of Article III, Sections 1, 2, 4, 6 and 9, of Article IV, Sections 1, 2, 3, and 4, of Article V, Section VI, of Article VI, and Section 18 of Article VIII thereof, and by adding a Section to Article II, thereof to be known as Section 22, and by adding a Section to Article IV thereof to be known as Section 10, providing for appeals from awards of special commissioners and assessments of Boards of Review, and repealing Sections 5, 11, and 12, of Article V thereof.	220, 234, 325, 364, 391, 454, 475, 490, 500, 524, 533, 540.
279	A bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, relating to exemption from taxation." .....	220, 323, 355, 509.
280	A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant or blasting powder." .....	220, 242, 283, 354, 361, 370, 391, 407, 466, 509, 511, 518, 526.
281	A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores." .....	220, 288, 354, 361, 370, 413, 474, 483, 484, 522

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282	A bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana, relating to the power of the Board of County Commissioners to reject bids for the care of the poor and to provide for the employment of a superintendent and his duties and compensation." .....	220, 324, 355, 360, 455.
283	A bill for an Act entitled, "An Act to amend Section 4885 Revised Codes of 1907, of the State of Montana, relating to the term of office of the water commissioner." .....	220, 279, 325, 355.
284	A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this state for damages sustained by employees thereof, and to declare void contracts restricting such liability; which Act was approved on Jan. 16, 1905, and to provide for the determination of the liability to persons and corporations operating railways and railroads in this state for damages sustained by employees thereof, and the heirs and personal representatives of such employees in case of death and to declare void contracts restricting such liability."	220, 236, 337, 355, 408, 448, 459, 467, 537, 540.
285	A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county health officers local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for a certificate of health for dairy cattle, providing an appropriation for equipping a laboratory, providing an appropriation for enforcing the provisions of this Act and the rules and regulations of the State Board of Health, made in conformity herewith, repealing Acts and parts of Acts in conflict herewith." .....	220, 246, 377, 454, 459, 496.
286	A bill for an Act to amend Section 1482 of the Revised Codes of Montana, of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventilating of public buildings. ....	221, 316, 332, 355, 360, 524, 535.

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287	A bill for an Act to prohibit the indiscriminate scattering of poisoned grain or other eatable substance upon the surface of the ground, where the same can be found and eaten by any bird, chicken, or fowl, and providing penalties for the violation thereof. ....	221, 273, 301, 523, 535.
288	A bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, and operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909 and 1910." .....	232, 376, 378, 408, 418, 448, 468, 524, 526, 539.
289	A bill for an Act entitled, "An Act to provide for the selection of umpire assayers within this state and providing penalties for the violation thereof." .....	233, 292, 355, 408, 448, 474, 485, 524, 526, 539.
290	A bill for an Act requiring names of candidates for judicial and educational office to be placed in separate column on official election ballots. ....	233, 251.
291	A bill for an Act entitled, "An Act to make foreign corporations and joint stock companies, corporations and joint stock companies of this state for purposes of jurisdiction and to make the stocks and shares of such corporations and joint stock companies subject to attachment, the same as the stocks and shares of domestic corporations are now subject to attachment under the laws of this state." .....	233, 436, 443, 454, 483, 488, 521, 533, 540.
292	A bill for an Act entitled, "An Act to enable qualified voters to vote by mail." .....	246, 346.
293	A bill for an Act entitled, "An Act to regulate and restrain the practice of midwifery in the State of Montana, and to provide a penalty for the violation of the same." .....	246, 299, 355, 454, 476, 500, 509, 515.
294	A bill for an Act requiring persons who treat communicable diseases to make report to the health officer. ....	246, 298, 355, 454, 476, 500, 509, 515.
295	A bill for an Act entitled, "An Act to amend Section 6520 of the Revised Codes of Montana of 1907, relating to the services of summons by publication." .....	246, 280, 355, 505.
296	A bill for an Act to impose on contractors on state buildings and state works, certain	

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	conditions as to labor and wages. "An Act requiring hereafter all contractors on buildings and works owned by, or to be accepted by the State of Montana, to enter into an agreement to the effect that all persons employed on such works or buildings be paid the scale of wages fixed by labor unions in the place where the work or building is to be done and to the effect that such contractors will conform to the rules relating to wages, hours constituting a day, and other rules for work fixed by labor unions in the place where the building or work is to be carried on." .....	246, 316, 355, 396, 408, 430, 447, 483, 488.
297	A bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, of 1907."..	247, 336, 355, 454, 475, 478, 483, 488, 505, 524, 540.
298	A bill for an Act entitled, "An Act to provide for a commission plan of city government for cities of the first and second class, providing for the election of officers thereunder, defining their duties and powers, and providing for their compensation."..	247, 279, 355, 478.
299	A bill for an Act entitled, "An Act appropriating money for the furnishing of the library building of the State University at Missoula, Montana." .....	247, 428.
300	A bill for an Act entitled, "An Act authorizing the Board of Railroad Commissioners to ascertain the the value of railroad property." .....	247, 272, 301, 523.
301	A bill for an Act to amend Section 8794 of the Revised Codes of the State of Montana of 1907, relating to the catching of fish for speculative purposes, or for market or sale. ....	247, 353, 375, 418.
302	A bill for an Act entitled, "An Act to define the powers and duties of county surveyors and to provide for their compensation." .....	247, 374, 379, 409.
303	A bill for an Act entitled, "An Act to amend Section 965, 966, 968, 969, 970 and 971 of the Revised Codes of Montana of 1907, relating to the compulsory education of children, and to repeal Section 967 of the Revised Codes of Montana, of 1907 relating to the compulsory education of children. ....	259, 290.
304	A bill for an Act entitled, "An Act to amend Section 3116 of the Revised Codes of Montana, of 1907, relating to the compensation and salary of county officers. ....	259, 279, 355.

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305	A bill for an Act entitled, "An Act to prevent frauds by mining companies and others engaged in mining."	259, 292, 326, 375.
306	A bill for an Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment against any property and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years. ....	259, 323, 355, 408, 427, 445, 459, 467, 512, 526.
307	A bill for an Act entitled, "An Act to amend Section 1772, Revised Codes, 1907, of the State of Montana, relating to the reporting of births." ....	259, 363, 393.
308	A bill for an Act entitled, "An Act to amend Section 1500 of the Revised Codes, 1907, of the State of Montana, relating to the definition of the term "Communicable disease." ....	259, 298, 355, 478, 505.
309	A bill for an Act to provide for the permanent improvement of main highways by extension of county aid for such purpose; to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby, for the payment of a part of the cost thereof. ....	259, 410, 454, 478, 500, 509, 511, 516, 523, 524, 537.
310	A bill for an Act entitled, "An Act relating to trusts, monopolies and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities and fixing the punishment for infractions of the provisions thereof." ....	260, 345, 355, 364, 368, 371, 382, 423, 435, 436, 437, 443, 457, 472, 474.
311	A bill for an Act to amend Section 3121 of the Revised Codes of Montana, of 1907, relating to the compensation of deputy sheriffs in counties of the first class.	260.
312	A bill for an Act to create the County of Lincoln, designate its boundaries and provide for its organization and government. ....	260, 384.
313	A bill for an Act entitled, "An Act appropriating money to be credited to the bounty fund, for the purpose of paying bounty on wild animals." ....	260, 396, 435.



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314	A bill for an Act entitled, "An Act making appropriations for the executive and judicial departments of the state government for two years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911." .....	260, 265, 266, 267, 277, 355, 374, 408, 425, 426, 427, 459, 468, 524, 532, 533, 537, 539.
315	A bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana, for the years 1909 and 1910." .....	260, 272, 301, 427, 449, 483, 486, 524, 537.
316	A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana, printed as Section 3849 of the Revised Codes of Montana, relating to the method of changing place of business and number of directors by corporations organized under the laws of Montana." .....	260, 443.
317	A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to fix the numbers thereof." .....	273, 293, 355, 396, 408, 445.
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46	A bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana of 1907, relating to the manner in which insurance companies, associations, or partnerships may transact business in the State of Montana." .....	132, 181, 194, 209, 235, 269, 274, 320.
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48	A bill for an Act to amend Section 843, of the Revised Codes of Montana, of 1907, relating to the division of funds, property and debts between old and new school districts." .....	105, 188, 189, 419.
49	A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought. ....	105, 346, 372, 396, 408, 424, 433, 454.
50	A bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana, of 1907, relating to the powers and duties of the State Coal Mine Inspector." .....	106, 284, 286, 335, 396, 408, 424, 433, 454.
51	A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribe the qualifications of applicants, and prescribing the rights and duties and fixing the compensation of such Board of Examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana." .....	106, 284, 286, 335, 396, 408, 424, 431, 484.

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52	A bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office, and providing for the salaries of such boards." .....	106, 285, 286, 336, 396, 409, 424, 434, 484.
53	A bill for an Act to prohibit the running or conducting of dances in public dance-halls, or other public places of amusement, on Sunday, and to provide penalties for the violation thereof.....	106, 156, 157, 186.
55	A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Statutes of Montana, of 1907, relating to the sale of real-estate for delinquent taxes." .....	111, 188, 189, 436, 523, 529, 533.
56	A bill for an Act entitled, "An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor and fixing penalties for the violation of the provisions of this Act." .....	111, 285, 286, 337, 396, 408, 425, 434 484.
57	A bill for an Act to regulate book-making and pool-selling upon contests of skill, speed and endurance; requiring a license to engage therein; providing penalties for the violation thereof, and to repeal Section 2769, Revised Codes of Montana, of 1907....	112, 188, 189, 215.
59	A bill for an Act entitled, "An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection, and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of state lands, and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon state lands; and defining and providing for the punishment of certain offenses, for violating the provisions of this Act."	121, 386, 391, 418, 454, 462, 465, 492, 493, 512, 526.

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60	A bill for an Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana, of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercises. ....	122, 221, 228, 266, 276, 290, 324, 341, 353, 385.
61	A bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana of 1907, in regard to the furnishing of intoxicating liquors to habitual drunkards, minors or Indians." ....	131, 285, 286, 523.
62	A bill for an Act to amend Sections 1711 and 1712 of the Revised Codes of Montana, of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines. ....	131, 221, 228, 399, 421, 461, 478, 497, 507.
63	A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal Section 1580 of the Revised Codes of the State of Montana relating to the practice of dentistry in this State." ....	131, 358, 383, 496, 537, 538.
64	A bill for an Act entitled, "An Act to amend Section 4308 of the Revised Codes of 1907 relating to the killing of livestock by railway corporations." ....	132, 221, 222, 228.
65	A bill for an Act to create the county of Lincoln, designate its boundaries and provide for its organization and government." ....	132, 286, 291, 324, 473, 499, 509, 521, 523.
66	A bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana, of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County Commissioners." ....	132, 222, 228, 256, 276, 300.
67	A bill for an Act entitled, "An Act to prevent discrimination by Surety Companies." ....	146, 222, 228, 260, 336, 355, 374, 387, 391, 407.
68	A bill for an Act entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowment investment companies," approved March 7, 1905, and now being Chapter IV, of Title II, of Part IV, of Division I, of the Civil Code of the Revised Codes of Montana of 1907, so that such companies may, under condi-	

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	tions prescribed, guaranty the fidelity and performance of duty by others and certify and guaranty the title to real estate, and make or guaranty bonds and undertakings; and providing for the manner of assessment of such companies for taxation." . . . .	146, 222, 228, 442.
69	A bill for an Act to amend Paragraph Three, of Section 699, Article VI, Chapter VII, of the Political Code, relating to taking the school census, and providing penalties. . . . .	146, 405, 406, 460.
70	A bill for an Act to amend Section 904 of the Revised Codes of Montana, of 1907, relating to construction of teacher's contract with respect to legal holidays. . . . .	248, 250, 290, 292, 295, 340, 353, 385.
71	A bill for an Act entitled, "An Act concerning the payment of deposits in bank in trust." . . . .	222, 228, 318, 361, 369, 381.
73	A bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana, of 1907, concerning the investment of the funds of the State Normal School, Permanent University Funds, Permanent Agricultural College, and Permanent School Funds." . . . .	278, 405, 418, 478, 501, 508, 522.
75	A bill for an Act entitled, "An Act to authorize and and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College, at Bozeman, Montana." . . . .	163, 285, 286, 396, 408, 425, 435, 454.
76	A bill for an Act relating to the government, management and control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School and to repeal Sections 648, 672, 692, 693, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264, of the Revised Codes of Montana, of 1907. . . . .	163, 285, 286, 409, 427, 491, 500, 520.
77	A bill for an Act requiring persons elected as directors of corporations to file acceptance of office; forbidding corporations to hold out anyone as a director without such acceptance having been filed, and amending Section 3835 of the Revised Codes of Montana, of 1907, relating to election of Directors, and fixing penalties. . . . .	175, 328, 329, 441.

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78	A bill for an Act entitled, "An Act to amend Section 9611 of the Revised Codes of Montana, of 1907, relating to criminal judgments in justices and police courts." .....	175, 248, 249, 394.
79	A bill for an Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever. ....	175, 285, 286, 430, 454, 464, 471, 474, 491, 500, 522.
80	A bill for an Act to amend Section 4004 of the Revised Codes of Montana 1907, relating to impairment of capital, or insolvency of banks and duties of State Bank Examiner. ....	175, 386, 392, 454, 455, 464, 480, 506.
85	A bill for an Act entitled, "An Act to regulate and control corporations, companies, associations, and persons owning, controlling, or operating a line or lines, a system or systems of telegraph or telephones in whole or in part, within this state, and to change, fix, determine and regulate the rates, fares, rentals, tolls, charges, classifications, regulations and conditions to be imposed, and services affecting the transmittal and delivery of messages, and the rents and charges for the use of any such line, or lines, system or systems, instrument or instruments, or appliances, and placing such corporations, companies, associations and persons under control of the Board of Railroad Commissioners of this State, and giving and imposing upon such board, powers and duties to change, fix, determine and regulate, such rentals, charges, fares, tolls, classifications and services, together with the power and duty to fix, change, determine and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and persons, also to prevent discriminations." .....	192, 334, 386, 387.
86	A bill for an Act entitled, "An Act to provide for the payment of the actual expenses of county assessors incurred in the performance of official duty."....	193, 285, 286, 335, 396, 408, 425, 435, 454.
87	A bill for an Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases. ...	193, 248, 250, 298, 300, 320, 331, 373.
88	A bill for an Act to amend Section 1794 of the Revised Codes of Montana, of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and pro-	



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	viding that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do. ....	201, 285, 286, 383, 478, 500, 507, 522.
89	A bill for an Act to amend Section 1661, and Section 1664 of the Revised Codes of Montana, 1907, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection. ....	192, 227, 323, 329, 346, 361, 369, 381, 394.
90	A bill for an Act to amend Sections 4256, 4257, 4262, 4264 and 4266 of the Revised Codes of Montana, of 1907, relating to cemetery associations. ....	227, 346, 347, 454, 499, 509, 523, 527, 533.
91	A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer and pay over to him moneys by them collected under authority of law, at least once each month or when directed by the State Board of Examiners." ....	227, 346, 347, 376, 524.
92	A bill for an Act entitled, "An Act to amend Section 188 of the Revised Codes of Montana, of 1907, relating to the quarterly report of the State Treasurer." ....	227, 346, 347, 437.
95	A bill for an Act entitled, "An Act providing that the Coroner of the County wherein the State Prison is located, may hold an inquest over the body of deceased prisoners; and providing for the expenses of such inquests." ....	228, 346, 347, 363, 377, 478, 501, 507, 522.
96	A bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State Prison." ....	227, 285, 286, 397, 478, 501, 508, 522.
97	A bill for an Act to amend Sections 825 and 846 of the Revised Codes of Montana, of 1907, and providing for the instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees and providing for penalties for the failure to make such reports. ....	234, 328, 329, 368, 537, 539.

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99	A bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes in relation to the election of School trustees and the classification of school districts." .....	234, 328, 344, 361, 369, 382, 394.
100	A bill for an Act to amend Section 1171 of the Revised Codes of Montana, of 1907, relating to the admission, care and retention of persons and children in the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana. ....	234, 346, 347, 390, 509, 523, 525, 527, 533, 535.
103	A bill for an Act entitled, An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, of 1907, being Sections 370 and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure, of the State of Montana, of 1905, relating to Stenographers of the District Courts, their duties, qualifications and compensation." .....	249, 386, 392, 419..
105	A bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of the State of Montana, relative to the registration of births and deaths." .....	249, 346, 347, 363, 377, 537, 538.
107	An Act providing the conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana. ....	261, 412, 422, 478..
108	A bill for an Act requiring Sheriffs and Constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien. ....	267, 386, 392, 419..
109	A bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto, of the money derived from Forest Reserves in the State of Montana, under an Act of Congress approved June 30, 1906." .....	440, 444, 456, 537, 538.
111	A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime; to employ, or authorize the employment of stock inspectors, and to employ or authorize the	

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	employment, of special counsel in criminal actions and in actions in which the county is a party." ...	346, 347, 400, 408, 425, 443, 457, 484.
112	A bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts and of articles of incorporation and stock certificates of water user's associations organized under the national reclamation Act, and prescribing the fees for such recording." .....	358, 441, 478, 501, 508, 520.
113	A bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing his qualifications and duties, fixing the penalties for violation of this Act, and fixing his compensation and relating to the protection of the industry of Horticulture; and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947, of the Revised Codes of Montana, 1907." .....	294, 405, 478, 501, 508, 535.
118	A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana, by a legally qualified physician and surgeon to be designated and paid out of the general fund by the Board of County Commissioners of each county, the designation of such physician and surgeon to be approved by the State Board of Health." .....	356, 412, 422, 456
119	A bill for an Act entitled, "An Act to provide an additional judge for the fifth judicial district, of the State of Montana, so that there will hereafter be two judges in said district. ....	356, 412, 422, 459, 484, 499, 500, 509, 523, 528, 533, 535.
120	A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to maximum number of deputy clerks and sheriffs..."	356, 461, 462, 465, 466, 478, 509, 525, 527, 533.
121	A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, relating to salaries of deputies and classification." .....	357, 444, 523.

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123	A bill for an Act entitled, "An Act regulating and governing contracts relative to the shipping of live-stock and the giving of notice or claim for loss or damage thereto."	357, 440, 444, 478, 501, 509, 523, 525, 527, 533.
125	A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grandstand of the Montana State Fair."	386, 444, 460, 465, 478, 509, 525, 526, 533, 537.
126	A bill for an Act entitled, "An Act to promote industrial education."	392, 466.
127	A bill for an Act entitled, "An Act providing for the appointment of an Assistant State Treasurer and a Deputy State Treasurer, prescribing their duties, and fixing their compensation."	413, 466, 478, 479, 501, 520.
129	A bill for an Act entitled, "An Act to establish, locate and construct a state road and to employ convicts in the construction and maintenance thereof."	422, 506, 510, 524.
130	A bill for an Act entitled, "An Act to approve, confirm and ratify sales of State Lands heretofore made."	440, 446, 473, 509, 521.
131	A bill for an Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the travelling public and employees upon railway trains, and to confer upon the railroad commission of Montana certain powers in relation thereto."	461, 506, 509, 523, 525, 529, 533.
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# HOUSE JOURNAL

OF THE

## Eleventh Legislative Assembly

OF THE

### State of Montana

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### HOUSE CHAMBER

Helena, Montana, January 4th, 1909.

Pursuant to law, at the hour of 12 noon, the House of Representatives of the Eleventh Legislative Assembly of the State of Montana was called to order by the Honorable A. N. Yoder, Secretary of the State of Montana.

The roll was called and the members presented their certificates of election, with the exception of Jno. MacGinniss of Silver Bow, who was absent.

Secretary of State Yoder introduced Associate Justice Smith, who administered the oath of office to the members present, who duly signed it as follows:

Allen, W. J.  
Arnett, Frank C.  
Bogart, D. D.  
Brewster, Geo. W.  
Berkin, John.  
Burke, Ed.  
Butzerin, Albert.  
Byrnes, Owen.  
Chrisler, L. J.  
Clayberg, H. L.  
Cluston, William.  
Coit, A. B.  
Connelly, Frank B.  
Crouch, Samuel J.  
Crutchfield, Chas. M.  
Cummings, Hugh T.  
Cummings, T. A.  
Derry, Chas. A.  
Dowling, P. F.  
Duncan, M. M.  
Edgerton, John.

Eliel, Frank.  
Elliot, W. T.  
Frank, H. A.  
Garber, J. D.  
Gibson, Fred L.  
Giovanetti, Henry.  
Gray, A. H.  
Groff, H. Clay.  
Hall, Harry.  
Hammond, J. S.  
Hanifen, T. J.  
Hayes, John.  
Harbert, James.  
Hunter, James.  
Hutchinson, E. M.  
Jacobson, Martin.  
Kelfey, S. W.  
Kilgallon, T. S.  
King, James.  
Largey, E. C.  
Lehrkind, Carl.

Lowney, Pat.  
 Maxwell, D. C.  
 Metzel, Frank S.  
 Mitchell, Harold G.  
 Murry, T. J.  
 McDowell, W. W.  
 McCoy, C. E.  
 Norton, T. J.  
 O'Donnell, Neil.  
 Owenhouse, E. J.  
 Pierson, George W.  
 Pomeroy, H. C.  
 Roy, Joseph S.  
 Safley, George R.

Shaw, S. A.  
 Shoemaker, J. A.  
 Smith, Dr. C. W.  
 Swick, C. L.  
 Thompson, Rufus B.  
 Ward, William E.  
 Warren, Fred R.  
 Whaley, William C.  
 Werner, J. A.  
 White, Harrie W.  
 Wilhem, V. E.  
 Witmer, M. A.  
 Wood, James T.  
 Woody, F. H.

On motion of Crutchfield of Ravalli, M. M. Duncan of Madison was made temporary Chairman unanimously.

On motion of Burke of Deer Lodge, Chas. Z. Pond of Gallatin was chosen temporary Secretary.

Nominations for Speaker being in order, Crutchfield of Ravalli nominated Hon. W. W. McDowell of Silver Bow.

Maxwell of Dawson nominated Hon. Thomas A. Cummings of Chouteau.

Nominations being closed, the roll was called with the following results:

Those voting for McDowell were as follows: Allen, Burke, Byrnes, Clayberg, Cluston, Christler, Crouch, Crutchfield, Dowling, Duncan, Elliot, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Killgallon, King, Largey, Lehrkind, Lowney, Mitchell, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody. —Total, 36.

Those voting for Cummings were as follows: Arnett, Bogart, Brewster, Butzerin, Coit, Connelly, Cummings of Granite, Derry, Eliel, Gibson, Gray, Edgerton, Hall, Harbert, Hunter, Hutchinson, Jacobson, Kelfey, Maxwell, Metzel, Murry, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, Wood, White, Witmer.

Those not voting were McDowell and Cummings of Chouteau; absent. MacGinniss.

McDowell having received a majority of all votes cast was declared elected Speaker of the House.

Chairman appointed Cluston and Maxwell to escort the Speaker to the Chair.

On motion of Crutchfield the following were nominated as officers and employes of the House:

Speaker, W. W. McDowell of Silver Bow County; Speaker, Pro Tem., Edward Burke of Deer Lodge County; Chief Clerk, C. Z. Pond of Gallatin; Assistant Chief Clerk, S. C. Ashby Jr., of Lewis and Clark County; Journal Clerk, Frank Longstaff of Deer Lodge County; Sergeant at Arms, C. P. Blakely of Park County; Assistant Sergeant at Arms, Frank E. Davis of Gallatin County; Chaplain, Rev. H. H. Davis of Lewis

and Clark County; Enrolling Clerk, Mrs. Fontelle L. Shelton of Lewis and Clark County; Engrossing Clerk, Robert Reynolds of Cascade County; Assistant Enrolling Clerk, Miss Clara B. Watson of Meagher County; Doorkeeper, Cornelius Smith of Jefferson County; Assistant Doorkeepers, P. F. Riley of Broadwater County, Pat Donovan of Missoula County; Watchmen, L. D. Hatch of Ravalli County, Edward Kirwin of Cascade County, M. L. Tuttle of Jefferson County; Pages, Joe McEvoy, Jos. Bubser, Wm. Heath, Frederick A. Bennett, Jas. Duffy; Telephone Page, Emmett Griffin.

On motion of Chas. M. Crutchfield, Mr. Duncan of Madison was made temporary Chairman.

On motion of Maxwell, the following were placed in nomination as officers and employes of the House:

Speaker, F. A. Cummings; Speaker Pro Tem., A. H. Gray, Cascade; Asst. Chief Clerk, A. L. Mitchell, Yellowstone; Chief Clerk, George H. Keep, Missoula; Sergeant-at-Arms, S. J. Hancock, Lewis and Clark, Asst. Sergeant-at-Arms, John Duffy, Park; Journal Clerk, R. T. Williams, Deer Lodge; Chaplain, Rev. Harold Griffs, Flathead; Enrolling Clerk, Jerry Manigan, Cascade; Engrossing Clerk, Hattie Lane, Rosebud; Doorkeepers, Thomas Dubois, Fergus and Josephus Rich, Beaverhead; Pages, John Morgan, John Cronin, Ross Deegan, Wm. C. Sweeny.

On motion of Crutchfield, the Chief Clerk of the House was instructed to cast for the Democratic Caucus Nominee the same number of votes as were cast for Speaker, McDowell, and to cast for the Republican Caucus Nominees, the same number of votes as were cast for Cummings of Chouteau, and the Chief Clerk cast votes accordingly.

The list of names of officers and employees named by Crutchfield being declared elected, were sworn in by the Chief Justice, Brantly.

Prayer by Chaplain.

On motion of Hammond, Mr. Speaker appointed committee of three, consisting of Hammond, McCoy and Shoemaker, to notify the Senate that the House was duly organized and ready for business.

Committee reports that it has performed its duty.

On motion of Duncan, J. M. Woodside was elected Janitor of the House.

A Committee from the Senate was announced, received, and beg leave to notify the House that the Senate was duly organized and ready for business.

On motion of Crutchfield, a committee of two was appointed by the Speaker to meet with a like Committee from the Senate, to notify the Governor that the House is ready to proceed to business.

Mr. Speaker appointed Crutchfield and Wood.

The Committee reported that it waited on the Senate and were informed that the Senate had already notified the Governor of the organization of the Senate.

On motion the Committee was increased to three members, Mr. Speaker appointing Messrs. Crutchfield, Woody and Warren.

On motion of Largey, a committee of three was appointed by Mr.

Speaker, consisting of Messrs. Largey, Pierson and Harbert, to meet a like Committee from the Senate to name a Post Master and Assistants.

On motion of Burk, the rules of the Tenth Legislative Assembly were adopted as the rules of this Session until such time as new rules are adopted.

On motion of Burk, the Speaker was empowered to employ a stenographer for his own use.

On motion of Cluston, Miss Ella M. Kelly was elected Assistant Journal Clerk.

On motion of Duncan, the House adjourned until 2 P. M. to-morrow.

Attest:

W. W. McDOWELL,

CHAS. Z. POND, Chief Clerk.

Speaker.

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## Second Day.

Tuesday, January 5, 1909.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll was called; all members present except MacGinness.

Journal of first day was read and approved.

On motion of Burk, a committee of three was appointed to invite the Senate to join the House in joint session to receive the Governor's message.

Mr. Speaker appointed Messrs. Kilgallon, Clayberg and Gray as such Committee.

Committee reported that Senate had accepted invitation of House.

On motion of Berkin, J. M. Duffy was appointed Bill Clerk.

### JOINT SESSION.

The Honorable Senate appearing before the door of the House were admitted and received, and proceeded to join the House in joint session.

Lieutenant Governor in the chair.

The Secretary of the Senate called the roll of the Senate; all present except Senators Donovan and McRae.

The Chief Clerk of the House called the roll of the House; all present except MacGinniss and Safley.

On motion, a committee of two, consisting of Representative Burk and Senator Fairbanks, was appointed to notify His Excellency, the Governor, that the joint session was now ready to receive any communication he desired to make.

A committee appearing upon the floor of the House with His Excellency, the Governor, were received, and His Excellency immediately proceeded to the reading of his message which was as follows: viz.

On motion of Gray, a vote of thanks was extended to His Excellency, the Governor, for his able message.

On motion of Crutchfield, a committee of two from the senate and two from the House was appointed to consider the recommendations con-



tained in the Governor's message; and to submit their findings to a committee, hereafter to be appointed by the Speaker.

President of the Joint Session appointed Messrs. Crutchfield and Cummings of Chouteau and Senators Meyer and Truscott.

On motion of Senator McCarthy the Senate arose from the body of the House.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Roll call, quorum present.

Mr. Speaker announced to the House that he had appointed Miss Maud Miller his stenographer.

The following Committee on Rules was appointed: Burk, Cluston, Duncan, Cummings of Choteau.

On motion of Crutchfield, a committee of five was appointed to segregate and assign the Governor's message to appropriate standing committees of the House as same were named by Mr. Speaker.

The committee so appointed was: Crutchfield, Mitchell, Berkin, Maxwell, Gibson.

The following communications were received from the Senate:

Senate Chamber, Helena, Montana, January 4th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following is a complete list of the officers elect of the Senate: President Pro Tem T. M. Everett; Secretary N. Godfrey; Assistant Secretary, C. B. Gibbs; Sergeant-at-Arms, Orville Bittle; Assistant Sergeant-at-Arms, W. G. Jarrett; Doorkeeper, Byron Corson; Doorkeeper, C. L. Utley; Doorkeeper, Jerald B. McRae; Watchmen, Wm. Jefferson, Robert Fraser, C. T. Rader; Janitor, H. S. Simpson; Janitor, A. E. Lynes; Page, John Sheehy; Page, Claude Larson; Page, Brownie Burke; Chaplain, C. J. McNamee; Postmaster, L. C. Scogins; Journal Clerk, C. F. Bean; Asst. Journal Clerk, Mrs. Alice Zeiter; Engrossing Clerk, Miss Mayme Adams; Enrolling Clerk, Russell Franklin; Printing Clerk, Mrs. Kady Potter; Bill Clerk, Mrs. J. Wescott; Judiciary Clerk, Mrs. Grace Catlin; Clerkship, Miss O. O'Connell; Clerkship, C. A. Metcalf; Secretary to President, W. J. Grover.

Respectfully,

NATHAN GODFREY, Secretary.

Senate Chamber, Helena, Montana, January 4th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senators, Donlan, Long and Meyer have been appointed as a committee to notify the Governor that the Senate is duly organized and ready for business.

Respectfully,

NATHAN GODFREY, Secretary.

Senate Chamber, Helena, Montana, January 4th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: notice of the Introduction of Bills was given as follows: By Donlon;

A Bill for An Act entitled "An Act to provide for ascertaining the choice of the electors of the different Counties in the State of a candidate for Senator in Congress for members of each political parties in said state.

By Long: A Bill to amend Section 4216 of the Revised Codes of the state of Montana relating to stock in Co-operative Associations.

Respectfully,

NATHAN GODFREY, Secretary.

Senate Chamber, Helena, Montana, January 4th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senators Edwards, Everett, and McCarthy have been appointed as a committee to notify the House that the Senate is duly organized and ready for business.

Respectfully,

NATHAN GODFREY, Secretary.

The following communication was received from the Helena Public Library:

Helena Public Library, Helena, Montana, Jan. 4, 1909.

To the Speaker of the Montana State House of Representatives:

The trustees of the Helena Public Library wish to extend to the members of the State Legislature, and to the families of members, a cordial invitation to make free use of all the privileges of the public library during the session of the Eleventh Legislative Assembly.

Very respectfully,

NINA McKENNA, Acting Librarian.

#### NOTICE OF BILLS.

The following notices were given:

By McCoy: A bill providing for nominating candidates for the office of United States Senator, by direct vote of the qualified electors, at general elections.

By Kilgallon: A bill providing for giving a lien to innkeepers, boarding house keepers, lodging house keepers and hotel proprietors, store keepers and merchants upon wages due or to become due.

Whaley: A bill to amend Section 6342, Revised Codes of 1907, relating to jury lists.

Whaley: A bill to amend Section 6364 of the Revised Statutes, relating to Grand Jury.

A. H. Gray: A bill for an act concerning the taxation of real estate encumbered by mortgage.

By A. H. Gray: A bill for an Act to amend Section 611, Political Code Revised Code, relating to voting machines.

By A. H. Gray: A bill for an Act providing for the amendment of Article 13.—Sept. 6 of the Constitution so as to permit cities and towns to incur indebtedness and issue bonds for the purpose of purchasing or establishing lighting and heating plants.

By Geo. W. Brewster: A bill to amend Section 8783 of the Revised Codes so as to include antelope and beaver among the animals which shall not be killed at all.

By James King: A bill for an Act entitled "An Act to prohibit

the selling of pools upon races run upon tracks outside of the State of Montana, and to prohibit the maintaining of places where pools upon races are bought and sold."

By James King: A bill for an Act to amend subdivision 5 of Section 3701 of the Revised Codes of Montana.

By Owen Byrnes: A Resolution authorizing the Chief Clerk to supply the Legislature Reference Department of the Historical Library with twenty copies of each bill ordered printed by the House.

By Woody: A bill for an Act entitled "An Act to provide for the taxation of mortgages of real property.

By L. J. Chrisler: A bill for an Act to establish a "State Propagation and Publicity Bureau" advertising State resources.

By Owen Byrnes: A bill entitled "A bill to amend Section 8783 of Chap. 1. Title XVI of the Penal Code of Montana, relating to protection of wild game.

On motion of McCoy, Safley was granted leave of absence.

Burk moved that when the House adjourned it adjourn until tomorrow at 2 P. M.

On motion of Kilgallon the House adjourned.

Attest: CHAS. Z. POND, Chief Clerk.

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## Third Day.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called and all members present, except Giovanetti and MacGinniss.

Minutes of previous day are amended by having Giovanetti reported as absent.

### COMMUNICATIONS.

The following communications were received.

Helena, Montana, January 4, 1909.

To the Members of B. P. O. Elks,  
of the House of Representatives, Helena, Montana.  
Gentlemen:

I desire to call to your attention the fact that the New Elks Home, of Helena Lodge No. 193, situate at the corner of Broadway and Jackson street in this city, is now open for the use and accomodation of members of the Order.

A cafe and buffet are conducted in connection with the Home, and comfortable and pleasant parlors, library and smoking rooms are a part of the general arrangement for the convenience of those who desire to visit the place.

A cordial invitation is extended to you, one and all, to visit this New Home during your sojourn in Helena, at any time and all times, and take a full advantage of the accomodations provided, the same as

if you were members of Helena Lodge. You will be pleasantly received and made to feel "at home."

Very Respectfully,

F. A. RICHOLT, Exalted Ruler.

The following notices of bills were given:

By Duncan: A bill for an Act to amend Sections 6364, 6365 and 6367 of the Revised Codes of Montana of 1907, relating to impanneling of Grand Juries.

By Owenhouse: A bill for an Act to provide for the permanent improvement of main highways and maintenance of same.

By Norton: A bill for an Act to declare and make the 12th day of October of each and every year a public holiday, to be known as Columbus day.

By Gibson: A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Codes of Montana, 1907, relating to the disqualification of Judges.

By Woody: A bill for an Act entitled "An Act to amend Section 1413 of the Revised Codes of Montana 1907, relating to the construction and repair of bridges.

By James Harbert: A bill entitled "An Act relating to navigation and dockage upon navigable waters of this State.

By James King: A bill for an Act entitled, "An Act to prohibit the selling of stock of Mining Companies within the State of Montana, where such Mining Companies do not own mining claims, either by location or purchase, and to prevent such mining companies from doing business in the State of Montana.

By Kilgallon: A bill for an Act, entitled "An Act to repeal Section 2108 of the Penal Code, Section 9309 of the Revised Codes of the State of Montana, and to enact in lieu thereof a new section to be known as Section 9309 of the Revised Codes of Montana.

By Kilgallon: A bill entitled, "An Act to elect United States Senators by a direct vote of the people."

By Duncan: A bill for an Act to amend Section 4225 and Section 4226 of the Revised Codes of Montana, of 1907, relating to Religious, Social and Benevolent Corporations, and providing that two or more Religious, Social or Benevolent Corporations may incorporate conjointly.

By Pomeroy: A bill for an Act to prevent the shooting of human beings by persons in pursuit of game or game birds, and to prevent such persons from shooting at any person, domestic animal or other object supposed to be game, which subsequently proves not to be, and providing punishments and penalties therefor.

By Duncan: A bill for an Act to amend Section 4872 and 4873 of the Revised Codes of Montana, 1907, relating to the appropriation of water and providing the manner in which water may be appropriated and a right thereto acquired from appropriated streams, lakes and springs.

By H. L. Clayberg: A bill for an Act entitled, "An Act to provide for party nominations by direct vote."

By Wilham: A bill for an Act appropriating money for improvements and additions at the State School for the deaf, blind and feeble minded

at Boulder, Montana; and for the completion of tunnels, making additions to the engine house and laundry, and for the erection of fire escapes and a system of water works.

By H. L. Clayberg: A bill for an Act entitled, "An Act to amend Section 8339 of the Revised Codes of Montana, relating to the penalty provided for the crime of rape."

By H. L. Clayberg: A bill for an Act entitled, "An Act to amend Section 8642 of the Revised Codes of Montana, relating to the definition of larceny."

By H. L. Clayberg: A bill for an Act entitled, "An Act to amend Section 6796 of the Revised Codes of Montana, relating to notice of entry of judgment before motion for new trial."

By Wilham: A bill for an Act appropriating money for the erection, furnishing and equipment of a hospital and domestic science building at the Montana School for the deaf, blind and feeble minded at Boulder, Montana; also for the construction of a tunnel connecting it with the water supply, heating plant and with other buildings, and for a sewerage system.

By Wilham: A bill for an Act appropriating money for improvements on the ranch of the State School for the deaf, blind and feeble minded at Boulder, Montana, and for the erection of a dairy farm, poultry houses and fencing.

By A. H. Gray: A bill for an Act entitled, "An Act requiring the head physician of the State Insane Asylum to make quarterly reports to District Courts, showing condition of inmates of said Asylum."

By Harbert: A bill entitled, "An Act providing for submitting to the electors of any county the question of establishing a herd law within said county."

By Smith: A bill to define the qualifications of midwives.

By A. H. Gray: A bill for an Act, entitled, "An Act to empower the City Council of any city to regulate the rates and charges to be allowed corporations or individuals for furnishing water, gas or electricity to any such city or the inhabitants thereof, and to fix the maximum rates therefor."

#### NOTICES FROM THE SENATE.

The following bills were introduced:

By Edwards. Senate Bill No 1. A bill for an Act entitled, "An Act submitting to the qualified electors of the State of Montana, and amendment to Section 9 of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."

Read first and second time and referred to Committee on Finance and Claims.

By Selway. Senate Bill No. 2. A bill for an Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such Institutions, to be known and designated as the interest and income funds of each of such institutions; reducing the appropriations made from the general fund; and providing for reports by said educational institutions of all money's



received from appropriations made to them under the laws of the United States.

Read first and second time and referred to Committee on Judiciary.

By Meyer. Senate Bill No. 3. A bill for an Act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld, from any other person for the traveling accomodation or transportation of any person or property or the transmission of any message or communication, and providing a penalty for the violation thereof.

Read first and second time and referred to Committee on Railroads and Transportation.

Respectfully,

NATHAN GODFREY, Secretary.

Helena, Montana, January 5th, 1909.

The following notices of bills were this day given:

By Romney. A bill for an Act entitled, "An Act to provide relief for the widow and orphan children of the late Charles B. Peyton, Deputy State Game Warden, who gave his life in the service of the State."

By McCone. A bill for an Act entitled, "An Act to amend Section 3003 and Section 3257, of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers."

By Selway. A bill for an Act entitled, "An Act to provide for the deposit and disbursment of money received from the investment of the permanent funds of State educational institutions, and from the leasing of lands granted by the Federal Government to such institutions, to be known as the 'Interest and Income Funds' of each of such institutions; reducing the appropriations from the general fund and providing for reports by said educational institutions of all moneys received from appropriations made to them under the laws of the United States."

By Everett. A bill for an Act to prevent the issuance or acceptance of a pass or free transportation on any railroad in the State of Montana, except to actual employes of such railroad, and providing for violation thereof.

By Meyer: A bill for an Act entitled, "An Act to prohibit public officers for asking, accepting or using a free pass, frank or privilege, withheld from any other person for the traveling accomodation or transportation of any person or property, or the transmission of any message or communication, and providing a penalty for the violation thereof."

By Edwards. A bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana an Amendment to Section 9 of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."

Respectfully,

NATHAN GODFREY, Secretary.

The following Resolution was adopted:

By Meyer. Resolved: That the Chief Clerk be authorized to supply the Legislative Reference Department of the Historical Library with



twenty copies of each bill ordered printed by the Senate.

Respectfully,

NATHAN GODFREY, Secretary.

### REPORT OF SELECT COMMITTEES.

Mr. Crutchfield as chairman of Committee to whom the Governor's message was referred reports the Committee is now ready to report when the Speaker has appointed the standing committees.

Moved by Burk that the Speaker appoint a committee of two to act with a like committee to procure the printing of 1,000 copies of the Governor's message.

Report of Committee on Postmaster and Assistant Postmaster to confer with a like Committee from the Senate.

The Committee reports that L. C. Scogins, Sweet Grass County, has been appointed Postmaster and Angus McDonald has been appointed Assistant Postmaster.

Report adopted by E. C. Largey, Chairman.

Moved by Maxwell, that the thanks of this body be tendered the Helena Commercial Club and the citizens of Helena for the invitations to the Inaugural Ball and the courtesies extended.

On motion of Gray. A vote of thanks was tendered the Rocky Mountain Bell Telephone Company for courtesies extended to the members of the House.

### INTRODUCTION OF BILLS.

The following bills were introduced:

By King. H. B. No. 1. A bill for an Act to amend Subdivision 5 of Section 3701 of the Revised Codes of Montana, relating to taxation.

By King. A bill for an Act entitled, "An Act to prohibit the selling of pools upon races run upon tracks outside of the State of Montana, and to prohibit the maintaining of places where pools upon races are bought and sold.

By Gray. H. B. No. 4. A bill for an Act entitled, "An Act to amend Section 611 of the Revised Statutes, relating to the use of voting machines.

Reading of House Bills:

House Bill No. 1, read first and second time by the title only, and referred to Judiciary Committee.

House Bill No. 2, read first and second time by title only and referred to Committee on Affairs of Cities.

House Bill No. 3, read first and second time by title only, and referred to Committee on Affairs of Cities.

### MESSAGES FROM THE GOVERNOR.

The following communication from the Governor was received and read:

Helena, Montana, January 6, 1909.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

For the information of the House in the transacton of business with the Executive Office, you are hereby notified that my office force is com-

posed of, Will Aiken, Private Secretary; M. W. Caffee, Assistant Secretary and Stenographer.

EDWIN L. NORRIS, Governor.

Smith of Fergus was granted leave of absence on account of family sickness.

Representative Giovanetti of Silver Bow was granted leave of absence by a viva voce vote of 44 to 14 after reading of his telegram.

On motion of Norton a vote of thanks was given the Elks of Helena for their kind invitation.

The Speaker appointed the following Committees:

Mileage and Per Diem: King of Silver Bow; Garber of Sanders; Dowling of Jefferson; Roy of Deer Lodge; Witmer of Lewis and Clark; Smith of Fergus; Shaw of Meagher.

House Employees: Ward of Cascade; Pierson of Carbon; Whaley of Broadwater; Norton of Silver Bow; Groff of Ravalli; Maxwell of Dawson; Eliel of Beaverhead.

Joint Committee on Printing Governor's Message: Burke of Deer Lodge; Werner of Lewis and Clark.

On motion of Duncan, House adjourned until 2 O'Clock P. M. to-morrow.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fourth Day.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, all present except Smith of Fergus, Giovanetti and McGinniss of Silver Bow.

### NOTICES OF INTRODUCTION OF BILLS.

Notices were given as follows:

By Burk: A bill entitled, "An Act to appropriate moneys for the payment of mileage and per diem for members of the 11th Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

By Burk: A bill for An Act appropriating money for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

By Brewster: A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the State is entitled under the land grants embraced within the United States Government Forest Reservation, and to make lieu selections in place thereof of agricultural and grazing lands."

By Brewster: A bill for an Act entitled, "An Act to define the word "estrays" and to provide for the gathering and sale of unknown animals; the disposition of the proceeds derived from such sale, and to provide penalties for the taking up, using or disposing of estrays."

By Wood: A bill for an Act entitled, "An Act to amend Sections.

2054 and 2055 Revised Statutes of Montana, relating to the letting of contracts by County Commissioners concerning County Poor and the changing of the date for letting the same.

By Woody: A bill for an Act entitled, "An Act relating to Abstractors of Title, the compiling, making, certifying to and issuing of Abstracts of Title to real property and providing for the use thereof as evidence in the trial of civil actions.

By Cluston: A bill for an Act to determine the result of elections in the event of a tie vote.

By Whaley: A bill to amend Sections 6364, 6365 and 6367 Revised Codes of 1907, relating to grand juries.

By Duncan: A bill for an Act providing for the bonding of public Officials by Surety Companies, and also providing for the payment of the premiums thereon out of the public funds.

By Duncan: A bill for an Act appropriating money to be used at the State Orphans' Home, at Twin Bridges, Montana, for the completion of the Nursery Building, the partitioning of the attic in the Main Building, constructing a cow barn, and heating plant for the school building and assembly room, and equipping same, building side walks, and fencing, and also a water tank, and the laying of tile and hardwood floors, the equipping of several buildings of the institution with hot water pipes and facilities for furnishing hot water thereof, and for purchasing furniture for said institution.

By A. H. Gray: A bill for an Act entitled, "An Act to provide for the State inspection of grain and also for the State inspection and sealing of weights and measures, and to repeal Sections 221 to 225 inclusive Revised Codes.

By A. H. Gray: A bill for an Act entitled, "An Act to empower the County Commissioners to employ some suitable person to investigate and report for taxation any property that may have escaped taxation."

J. D. Garber: A bill entitled, "An Act to authorize counties to construct, operate public ferries and wharves, and regulate the same."

By Clayberg: A bill for an Act entitled, "An Act providing for issuance and levy of alias attachments."

By Clayberg: A bill for an Act entitled, "An Act providing for notice to persons of the times and place of a hearing to adjudge such persons insane or incompetent."

By A. H. Gray: A bill for an Act entitled, "An Act to repeal Section 6265 and to amend Section 6264 of Revised Statutes, relating to District Judges."

By McCoy: A bill entitled, "An Act to amend the game laws of the state, and to protect certain vermin destroying birds other than game birds."

By Owen Byrnes: A bill providing for the construction and maintenance of Screens or Splash wheels at the intake of all ditches diverting waters from streams or lakes within the State.

By Owen Byrnes: A bill to create and maintain a Legislative Reference Bureau in the Historical and Miscellaneous Department of the Montana State Library, prescribing its duties, and providing for a Legislative Reference Librarian, and assistant in such bureau.

By John Berkin: A bill for an Act entitled, "An Act to require paddle wheels or screens to be placed in ditches, canals or other artificial means used to divert water.

By Clayberg: A bill for an Act entitled, "An Act to amend Section 6657 of the Revised Codes of Montana of 1907, relating to cases in which attachments may be issued and levied.

#### REPORTS OF SELECT COMMITTEES.

Mr. Speaker:

The joint committee of House and Senate to secure the printing of the Governor's Message, report as follows: They recommend that 1,000 copies be printed, 150 for the use of the Senate, 350 copies for the use of the House and 500 copies for general distribution.

BURKE.

On motion of Burke, the report was adopted.

#### REPORT OF STANDING COMMITTEE.

Committee on Mileage and Miles reported as follows:

Mr. Speaker:

Your Committee on Mileage, whose duty it is to ascertain the number of miles traveled by members of the House of Representatives to and returning from the Capitol, together with the several amounts due said members, begs leave to make the following report:

Allen, W. J. ....	To Capitol and return, 200 Miles.....	\$ 20.00
Arnett, Frank C. ....	" " " " 950 " .....	95.00
Bogart, D. D. ....	" " " " 454 " .....	45.40
Brewster, Geo. W. ....	" " " " 866 " .....	86.60
Berkin, John .....	" " " " 148 " .....	14.80
Burke, Ed. ....	" " " " 200 " .....	20.00
Butzerin, Albert .....	" " " " 250 " .....	25.00
Byrnes, Owen .....	" " " " 102 " .....	10.20
Chrisler, L. J. ....	" " " " 444 " .....	44.40
Clayberg, H. L. ....	" " " " 2 " .....	.20
Cluston, Willam .....	" " " " 200 " .....	20.00
Coit, A. B. ....	" " " " 316 " .....	31.60
Connelly, Frank B. ....	" " " " 476 " .....	47.60
Crouch, Samuel J. ....	" " " " 152 " .....	15.20
Crutchfield, Chas. M. ....	" " " " 350 " .....	35.00
Cummings, Hugh T. ...	" " " " 144 " .....	14.40
Cummings, T. A. ....	" " " " 280 " .....	28.00
Derry, Chas. A. ....	" " " " 250 " .....	25.00
Dowling, P. F. ....	" " " " 86 " .....	8.60
Duncan, M. M. ....	" " " " 396 " .....	39.60
Edgerton, John .....	" " " " 52 " .....	5.20
Eliel, Frank .....	" " " " 284 " .....	28.40
Elliot, W. T. ....	" " " " 200 " .....	20.00
Frank, H. A. ....	" " " " 148 " .....	14.80
Garber, J. D. ....	" " " " 405 " .....	40.50
Gibson, Fred L. ....	" " " " 246 " .....	24.60
Giovanetti, Henry ....	" " " " 148 " .....	14.80
Gray, A. H. ....	" " " " 200 " .....	20.00

Groff, H. Clay. ....	"	"	"	320	"	32.20
Hall, Harry .....	"	"	"	2	"	.20
Hammond, J. S. ....	"	"	"	148	"	14.80
Hanifen, T. J. ....	"	"	"	144	"	14.40
Hayes, John .....	"	"	"	200	"	20.00
Harbert, James .....	"	"	"	730	"	73.00
Hunter, James .....	"	"	"	770	"	77.00
Hutchinson, E. M. ....	"	"	"	712	"	71.20
Jacobson, Martin .....	"	"	"	450	"	45.00
Kelfey, S. W. ....	"	"	"	866	"	86.60
Kilgallon, T. S. ....	"	"	"	148	"	14.80
King, James .....	"	"	"	148	"	14.80
Largey, E. C. ....	"	"	"	148	"	14.80
Lehrkind, Carl .....	"	"	"	246	"	24.60
Lowney, Pat. ....	"	"	"	148	"	14.80
Maxwell, D. C. ....	"	"	"	926	"	92.60
Metzel, Frank S. ....	"	"	"	396	"	39.60
Mitchell, Harold G. ....	"	"	"	200	"	20.00
Murray, T. J. ....	"	"	"	458	"	45.80
MacGinniss, John .....	"	"	"	148	"	14.80
McCoy, C. E. ....	"	"	"	172	"	17.20
Norton, T. J. ....	"	"	"	148	"	14.80
O'Donnell, Neil .....	"	"	"	148	"	14.80
Owenhouse, E. J. ....	"	"	"	192	"	19.20
Pierson, George W. ....	"	"	"	596	"	59.60
Pomeroy, H. C. ....	"	"	"	806	"	80.60
Roy, Joseph S. ....	"	"	"	200	"	20.00
Safley, George R. ....	"	"	"	192	"	19.20
Shaw, S. A. ....	"	"	"	306	"	30.60
Shoemaker, J. A. ....	"	"	"	2	"	.20
Smith, Dr. C. W. ....	"	"	"	456	"	45.60
Thompson, Rufus B. ....	"	"	"	420	"	42.00
Swick, C. L. ....	"	"	"	200	"	20.00
Ward, William E. ....	"	"	"	200	"	20.00
Warren, Fred R. ....	"	"	"	212	"	21.20
Whaley, William C. ....	"	"	"	66	"	6.60
Werner, J. A. ....	"	"	"		"	.20
White, Harrie W. ....	"	"	"	232	"	23.20
Wilham, V. E. ....	"	"	"	44	"	4.40
Witmer, M. A. ....	"	"	"	2	"	.20
Wood, James T. ....	"	"	"	232	"	23.20
Woody, F. H. ....	"	"	"	250	"	25.00
Mr. Speaker .....	"	"	"	148	"	14.80

JAMES KING, Chairman.

Helena, Montana, January 7, 1909.

Mr. Speaker:

Your Committee on Rules, Joint Rules and Order of Business beg leave to submit a partial report by recommending that the following be the standing committees of the House.

**House Committees.**

Ways and Means, Appropriations, Judiciary, Banks and Banking, Privileges and Elections, Mines and Mining, Townships and Counties, Education, Military Affairs, Internal Improvements, Development and Publicity, Improvements and Manufactory, Agriculture, Horticulture, Conservation of Resources, Water Ways and Navigation, State Lands, Irrigation and Water Rights, State Boards and Officers, Labor, Apportionment and Representation, Railroads and Transportation, State Institutions, Public Buildings and Grounds, Dairying, Fish and Game, Affairs of Cities, Rules, Joint Rules and Order of Business, Mileage and Per Diem, Printing, Engrossment, Enrollment, Libraries, Insurance, Highways, Fairs and Expositions, Live Stock and Public Ranges, Corporations Other than Municipal, Sanitary Affairs, House Employees, Journal.

BURKE.

Helena, Montana, January 7, 1909.

Mr. Speaker:

Your Committee on House Employees respectfully recommend the following appointments and move their confirmation as follows:

For Assistant Janitors, Messrs. McKelvy and Wm. O'Connell be employed.

For stenographers, subject to assignment, Mrs. Margaret Morton, and the Misses Laura Wingler and Miss Minrie Bowers.

Respectfully,

WARD, Chairman.

On motion of Woody, the report was adopted.

**INTRODUCTION OF BILLS.**

The following bills were introduced:

By Gibson, H. B. No. 4. A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Codes of 1907, relating to the disqualification of judges. Bill was read first and second time by title and referred to Judiciary Committee.

By Woody, H. B. No. 5. A bill for an Act to amend Section 14 and 13 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges. Read first and second time by title and referred to Committee on Internal Improvements.

By King, H. B. No. 6. A bill for an Act entitled, "An Act to prohibit the selling of stock of mining companies within the State of Montana, where such mining companies do not own mining claims, either by locating or by purchase, and to prevent such mining companies from doing business in the State of Montana." Was read first and second time by title, and referred to Committee on Mines and Mining.

By Kilgallon, H. B. No. 7. A bill for an Act entitled, "An Act giving lien to inn-keepers, boarding house keepers, lodging house keepers and hotels, proprietors, store-keepers and merchants, upon wages due, or to become due." Was read first and second time by title, and referred to Judiciary Committee.

By Duncan, H. B. No. 8. A bill for an Act to amend Sections 6364, 6365 and 6367 of the Revised Codes of the State of Montana, of 1907,



relating to impaneling of grand juries. Was read first and second time by title, and referred to Judiciary Committee.

### COMMUNICATIONS.

Communications from the Senate were received as follows:

Helena, Montana, January 6, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the introduction of bills was given as follows:

By Donlan: "A bill for an Act entitled, "An Act exempting real estate mortgages from assessment and taxation."

By Muffy: A bill for an Act entitled, "An Act imposing additional powers and duties upon the Board of Railroad Commissioners of this State, that said Board may regulate and control the operation of telegraph and telephone lines and systems within the State of Montana; regulate and fix rents, tolls and charges for transportation and delivery of messages; fix just, reasonable and equitable charges for tolls, telephonic conversations and for rents of telephone instruments and telephone appliances. Granting unto, and imposing upon said Board of Railroad Commissioners the same powers and duties to change, fix, regulate and control the rents, charges, tolls and service of telegraph and telephone lines and systems, as said Board may have over railroad companies and common carriers."

By Donlan: A bill for an Act entitled, "An Act to punish book making and pool-selling by unlicensed persons, to provide for the issuance of such license and dispose of the frauds arising from such license."

By Donlan: A bill for an Act entitled, "An Act to amend Section 2897 of the Revised Codes of Montana, concerning the duty of County Commissioners to contract for County printing."

By Edwards: A bill for an Act entitled, "An Act to give the Board of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes, to employ, or authorize the employment of detectives, and to employ, or authorize the employment of counsel in criminal actions and actions to which the County is a party."

By McCone: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana for an amendment to Section 9 of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."

By Donlan: A bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff and prescribing his duties and fixing his compensation."

By Donlan: A bill for an Act entitled, "An Act to amend Section 2759 of the Revised Codes of Montana, concerning the license of retail liquor dealers."

By Donlan: A bill for an Act entitled, "An Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of Senators and Representatives."

By Tooley: A bill for an Act entitled, "An Act requiring all state, county and other public officers to furnish official bonds executed by

some surety company licensed to do business in the State of Montana.”

Respectfully,

NATHAN GODFREY, Secretary.

January 6, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: Senators Sanders, Cockrell and Cowgill have been appointed by the President of the Senate to confer with a like committee from the House, relative to the number of copies of the Governor's message to be printed.

Respectfully,

NATHAN GODFREY, Secretary.

### MOTIONS AND RESOLUTIONS.

The following was introduced and adopted:

Be it Resolved that, For the purpose of enabling the Librarian to exchange with the Librarians of other states, the Chief Clerk of the House of Representatives be authorized to supply the Legislative Bureau of the Historical and Miscellaneous department of the State Library 20 copies of each bill ordered printed by the House.

OWEN BYRNES.

On motion adopted.

Moved by Hayes that when the House adjourn that it adjourn until 10 A. M. to-morrow.

On motion of Burke, House adjourned.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fifth Day.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called. All present except Macginniss, Smith, Giovanette, Mitchell and Crutchfield.

Minutes of fourth day read and approved.

### COMMUNICATIONS.

The following Communication was received and read:

The ladies accompanying the members of the Legislature are invited to meet the wives of the State Officers in the Governor's reception room at the State Capitol, Monday afternoon, January 11, from three until four o'clock.

### REPORT OF STANDING COMMITTEE.

The following report was received and read:

Helena, Montana, January 8, 1909.

Mr. Speaker:

Your committee of House Employees respectfully recommend the

following appointments and have their confirmation as follows:

For stenographer subject to assignment:

Miss Bushnell and Miss Sadler.

Respectfully,

WARD, Chairman.

Adopted on motion of Duncan.

#### NOTICES OF INTRODUCTION OF BILLS.

By Warren: A bill for an Act entitled, "An Act regulating the hours of all State Engineers and Fireman."

By Hutchinson: A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Statutes of the State of Montana, relating to the salary of the chaplain of the Soldiers Home."

By A. H. Gray: A bill for an Act, entitled, "An Act to amend Section 2082 Revised Statutes, defining a legal fence."

By A. H. Gray: A bill for an Act entitled, "An Act to provide a whipping post for wife beaters and vagrants who live upon the earnings of fallen women."

By Duncan: A bill for an Act making appropriation of money for the State Orphans' Home at Twin Bridges, Montana, for the maintenance thereof for the month of January and February, 1909.

By Clayberg: A bill for an Act entitled, "An Act to provide for the procedure in cases of tie votes in State, County and City Elections."

By Burke: A bill for an Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Sections 6375 of the Revised Codes of Montana of 1907, being Section 372, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of the District Courts, their duties, qualifications and compensation.

By Frank: A bill for an Act entitled, "An Act providing for the payment of travelling expenses of State officers."

By Warren: A bill for an Act entitled, "An Act relating to telegraph, and telephone operators who shall have a certificate from State Railroad Commission as to their competency before being employed by Railroad companies to handle train orders governing the movements of trains."

By Wilham: A bill for an Act to define the powers and duties of county surveyors and to provide for their compensation.

By Kelsey: A bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claim of a certain person."

By Whaley: A bill to amend Sections 8582, 8583 and 8585 Revised Codes of 1907, relating to carrying concealed weapons.

By Eliel: A bill for an Act entitled, "An Act to prohibit the establishing and maintenance of social clubs at which liquors are sold in towns and villages of less than 320 inhabitants, also regulating the whole-sale liquor business in such towns and villages."

By Frank: A bill for an Act to ratify action of person revising Codes of Montana in numbering sections thereof.

## INTRODUCTION OF BILLS.

The following bills were introduced

By Wilham: H. B. No. 9, An Act appropriating money for improvements and additions at the State School for the Deaf, Blind and Feeble Minded at Boulder, Montana; and for the completion of tunnels; making addition to the engine house and laundry; and for the erection of fire escapes, and a system of water works at the said school.

By Wilham: H. B. No. 10, A bill for an Act appropriating money for the erection and equipment of a Hospital and Domestic science building at the Montana School, for the deaf, blind and feeble minded at Boulder, Montana. Also for the construction of a tunnel connecting it with the water supply, heating plant and with the other buildings, and for a sewerage system therefor.

By Burk: H. B. No. 11, An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly, of the State of Montana.

By Burke: H. B. No. 12, An Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

By Burke: H. B. No. 13, An Act to appropriate moneys for the payment of Mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana.

By Gray: H. B. No. 14, A bill for an Act entitled, "An Act to amend Section 6264, and to repeal Section 6265, relating to the number of District Judges."

By Gray: H. B. No. 15, A bill for an Act entitled, "An Act concerning the Taxation of Real Estate encumbered by mortgage, or other record evidence of indebtedness."

By Duncan: H. B. No. 16, A bill for an Act appropriating money to be used at the Orphans' Home at Twin Bridges, Montana, for a completion of the Nursery building, the partitioning of the attic of the Main Building, constructing a cow-barn and also a heating plant for the school building, and the assembly room, and equipping same; building side walks and fencing, and re-constructing the water tank, and the laying of tile, and hard wood floors; the equipping of the several buildings of the Institution with hot water pipes, and facilities for furnishing hot water therefor. and for purchasing and installing furniture for said institution.

By Duncan: H. B. No. 17, A bill for an Act to amend Sections 4225, and 4226 of the Revised Codes of Montana, 1907, relating to religious, social and benevolent corporations, and providing that two or more religious, social and benevolent corporations, they incorporate conjointly.

By Kilgallon: H. B. No. 18, A bill for an Act entitled, "An Act to repeal Section 2108 of the Penal Code, Section 9309 of the Revised Codes of the State of Montana; and to enact in lieu thereof a new section to be known as Section 9309 of the Revised Codes of Montana, pertaining to the appointment of County Attorneys, by District Judges."

## READING OF HOUSE BILLS.

House Bills were read and referred:

By Wilham: H. B. No. 9, An Act appropriating money for improvements and additions at the State School for the deaf, blind and feeble minded at Boulder, Montana, and for the completion of tunnels, making addition to the engine house and laundry; and for the erection of fire escapes, and a system of water works, at the said school. Was read first time by title, and second time at length, and referred to the Appropriation Committee.

By Wilham: H. B. No. 10, A bill for an act appropriating money for the erection and equipment of a Hospital and Domestic Science Building at the Montana School for the deaf, blind and feeble minded at Boulder, Montana, also, for the construction of a tunnel, connecting it with the water supply, heating plant, and with the other buildings, and for a sewerage system therefor. Was read first time by title, and second time at length, and referred to the Appropriation Committee.

By Burke: H. B. No. 11, An Act to appropriate moneys for the payment of per diem of the Officers and Attaches of the Eleventh Legislative Assembly of the State of Montana. Was read first time by title, and second time at length, and referred to Appropriation Committee.

By Burke: H. B. No. 12, An Act making appropriations for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana. Was read first time by title and second time at length, and referred to the Appropriation Committee.

By Burke: H. B. No. 13, An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana. Was read first time by title, and second time at length, and referred to the Appropriation Committee.

By Gray: H. B. No. 14, A bill for an Act entitled, "An Act to amend Section 6264, and to repeal Section 6265, relating to the number of District Judges." Was read first and second time by title, and referred to the Judiciary Committee.

By Gray: H. B. N. 15, A bill for an Act entitled, "An Act concerning the taxation of real estate encumbered by mortgage, or other record evidences of indebtedness." Was read first and second time by title, and referred to Judiciary Committee.

By Duncan: H. B. No. 16, A bill for an Act appropriating money to be used at the Orphans' Home at Twin Bridges, Montana, for the completion of the Nursery building, the partitioning of the attic of the main building, constructing a cow barn, and also a heating plant for the school building and the assembly room, and equipping same, building sidewalks and fencing, and reconstructing the water tank, and the laying of tile, and hardwood floors, the equipping of the several buildings of the institution with hot water pipes, and facilities for the furnishing of the hot water therefor, and for purchasing and installing furniture for said Institution. Was read first time by title, and second time at length, and referred to the Appropriation Committee.

By Duncan: H. B. No. 17, A bill for an Act to amend Sections 4225 and 4226 of the Revised Codes of Montana, 1907, relating to religious,



social and benevolent corporations, and providing that two or more religious, social and benevolent corporations may incorporate conjointly. Was read first and second time by title, and referred to Committee on Corporations, other than Municipal.

By Kilgallon: H. B. No. 18, A bill for an Act entitled "An Act to repeal Section 2108 of the Penal Code, Section 9309 of the Revised Codes of the State of Montana; and to enact in lieu thereof a new section to be known as Section 9309 of the Revised Codes of Montana, pertaining to the appointment of County Attorneys by District Judges. Was read first and second time by title, and referred to Judiciary Committee.

On motion of Shoemaker, House adjourned until 2:30 Monday, January 11th.

Attest: CHAS. Z. POND, Chief Clerk.

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## Eighth Day.

Helena, Montana, January 11, 1909.

House met pursuant to adjournment at 2.30 P. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll call. All present except Burke, Garber, Gibson, Gray, Jacobsin and MacGinniss.

### NOTICES OF INTRODUCTION OF BILLS.

The following notices were given:

By Frank: A bill for appropriation of money for payment of claim of Julius Barney.

By Woody: A bill for an Act entitled "An Act relating to the commencement of actions to set aside sales of property for delinquent taxes, to cancel or annul tax deeds and to recover property sold for delinquent taxes."

By Allen: A bill for an Act to Secure Liens to Mechanics, Laborers, Horseshoers and Wagon Builders and Repairers.

By Hall: A bill for the enactment of the abolishment of the poll tax law.

By Clayberg: A bill for an Act entitled "An Act for the creation of a State Forest Commission for the conservation, maintenance and control of the State timber lands, and to further the interests of forestry and timber culture in the State of Montana."

By Clayberg: A bill for an Act entitled "An Act to amend Section 8677 of the Revised Codes of Montana, 1907, relating to Extortion and Refusal to pay wages without discount for work and labor performed for and in behalf of any corporation or association of persons."

By Clayberg: A bill for an Act entitled "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for municipal purposes and now held or owned by bona fide holders thereof for value, and the issuance of funding bonds therefor."



By Warren: A bill for an Act making the Second Judicial District of the State of Montana to be comprised of the counties of Silver Bow and Beaverhead; and the Fifth Judicial District to be comprised of the counties of Madison and Jefferson.

By Duncan: A bill for an Act to amend Sections 4872 and 4873 of the Revised Codes of Montana, 1907, and being Sections 4 and 5 of Chapter 185 of the Session Laws of 1907, approved March 9, 1907, relating to the appropriation of water, and providing the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines.

By Kilgallon: A bill for an Act entitled "An Act to provide a Home for aged, decrepit or crippled miners and prospectors, and under certain conditions, to admit the dependent wives or mothers of said miners and prospectors to said Home, and to provide for the purchase or acceptance by gift of suitable lands on which the said Home is to be erected, and providing for a board of Managers and other employees, and outlining their duties, and further providing ways and means for the conduct of said Home, and providing for the expense of maintenance of said Home and making the necessary appropriations to carry out the provisions of this Act.

By Byrnes: A bill for an Act entitled "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof and prescribing limitations of time in which such proceedings may be instituted."

By Pomeroy: A bill for an Act entitled "An Act to create the County of Kootenai, designate its Boundaries, and provide for its Organization and Government."

By D. D. Bogart: A bill for an Act Extending the Jurisdiction of Notaries Public and making their Jurisdiction Co-extensive with the Boundaries of the State.

By Edgerton: A bill for an Act to abolish Carey Act Board and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said Board.

By McCoy: A bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana of 1907, in relation to form of ballots to be used.

By Hunter: A bill for an Act Fixing the Compensation of County Commissioners, and Providing that they shall occupy their Entire time in the Performance of the Duties of their office.

By Norton: A bill for an Act to amend Section 3315 of Article 7, Chapter 3, Part 4 of the Political Code, Revised Codes of Montana, relating to the qualifications of police officers by providing for salary of same.

By Hutchinson: A bill for an Act to amend Sections 8871, 8872, 8873, and 8874 of the Revised Codes of Montana, 1907, relating to noxious weeds.

By McCoy: A bill for an Act to amend Subdivision 1 of Section 1161 of the Political Code of the State of Montana, in relation to Proclamations of elections by the Governor.

By Brewster: A bill for an Act to repeal Section 1792 of the Revised Codes, relating to the publication of marks and brands, and to provide in lieu thereof for the recording of marks and brands and the publication thereof.

By T. A. Cummings: An Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, relating to the Soldiers Home.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second times by title:

By Cluston: H. B. No. 19, A bill for an Act entitled "An Act to amend Section 1435, Chapter III, Part III, Title II of the Political Code of the State of Montana, Relating to the Duties of Canvassing Boards. Referred to Committee on Privileges and Election.

By Wilham: H. B. No. 22, An Act appropriating money for improvements on the ranch of the State School for the Deaf, Blind and Feeble Minded, at Boulder, Mont., and for the erection of a dairy barn, poultry house and fencing on said ranch.

By Woody: H. B. No. 20, A bill for an Act entitled "An Act relating to abstractors of title, the making, compiling, certifying to and issuing of abstracts of title to Real Estate, and providing for the use thereof as evidence in the trial of civil actions." Referred to Committee on Judiciary.

By Woody: H. B. No. 21, A bill for an Act to provide the taxation of mortgages of real property. Referred to Judiciary Committee.

By Whaley: H. B. No. 23, A bill for an Act to amend Section 6364, Revised Codes of Montana of 1907, relating to the empaneling of Grand Juries. Referred to Judiciary Committee.

By Byrnes: H. B. No. 24, A bill for an Act entitled "An Act to amend Section 8783, Chapter 1, Title 16 of the Penal Code of Montana, relating to the Protection of Wild Game, by adding Antelope, Mountain Sheep, Mountain Goat, Beaver, Female Elk, Grouse, Fool Hen, Sage Hen, Kill Deer Plover, to the list of wild game protected by continuous closed season." Referred to Fish and Game Committee.

By Frank: H. B. No. 25, A bill for an Act to Approve, legalize and adopt the division and arrangement of the Revised Codes of Montana of 1907. Referred to Judiciary Committee.

By Clayberg: H. B. No. 26, A bill for an Act entitled "An Act to provide for party nominations by direct vote." Referred to Judiciary Committee.

By Frank: H. B. No. 27, A bill for an Act entitled "An Act providing for the payment of traveling expenses of the Governor, Attorney General, Secretary of State and State Auditor, when traveling on official business." Read first time by title, a second time at length and referred to Appropriation Committee.

By Duncan: H. B. No. 28, A bill for an Act Making Appropriation of Money for Orphans' Home at Twin Bridges, Montana, for the main-

tenance thereof for the months of January and February, 1909. Read first time by title and second time at length and referred to Appropriation Committee.

By Brewster: H. B. No. 29, A bill for an Act entitled "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the State is entitled under the land grants embraced within United States Government Reservations, and to make lieu selections in place thereof of agricultural and grazing lands." Referred to Committee on State Lands.

By Clayberg: H. B. No. 30, A bill for an Act entitled "An Act to Provide for the Procedure in case of tie votes in State, County and City elections." Referred to Committee on Privileges and Elections.

By Norton: H. B. No. 31, A bill for an Act to declare and make the 12th day of October of each and every year a Public Holiday, to be known as Columbus Day. Referred to Committee on Education.

By Brewster; H. B. No. 32, A bill for an Act to amend Section 8783 of the Revised Codes of Montana, of 1907, by including antelope, beaver, grouse, prairie chicken, fool hen, sage hen, pheasant, partridge and turtle dove among the wild animals and game birds, the killing of which is prohibited, and to repeal Section 8787 of the Revised Codes of Montana of 1907. Read first and second times and referred to Committee on Fish and Game.

#### NOTICES FROM THE SENATE.

January 8, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Notices of Introduction of Bills were this day given:

By Donlan: A bill for an Act entitled "An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition either by construction, purchase or otherwise, and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts; and to provide for the payment therefor, and for the expenses of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal with certain reservations the provisions of Sections 2309 to 2402 both inclusive of Title 10 Part III of the Revised Codes of Montana, of 1907."

By McCarthy: A bill for an Act amending Sections 786, 2196 and 2197 of the Revised Codes of Montana, 1907, concerning the investment of the Normal School funds; the permanent School, permanent Agricultural, and permanent University funds, and providing for the investment of the permanent funds of such other public State Institutions as may be.

Respectfully submitted,

NATHAN GODFREY, Secretary.

January 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that:

the following bills were this day introduced and read first and second time:

By Donlan: S. B. No. 14, A bill for an Act providing that mortgages on real and personal property shall not be subject to taxation. Referred to Committee on Finance and Claims.

By Meyer: S. B. No. 15, A bill for an Act entitled "An Act authorizing the appointment of a stenographer for the State Treasurer." Referred to Committee on Judiciary.

By Donlan: S. B. No. 16, A bill for an Act exempting from sale coal in State Lands. Referred to Committee on Public Lands.

By Donlan: S. B. No. 17, A bill for an Act to amend Section 6315 of the Revised Codes of Montana concerning the disqualification of Judges. Referred to Committee on Judiciary.

Respectfully submitted,

NATHAN GODFREY, Secretary.

January 7, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: the following notices of introduction of bills were given:

By Meyer: A bill for an Act entitled "An Act authorizing the appointment of a stenographer for the State Treasurer."

By Donlan: A bill for an Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of Judges.

By Donlan: A bill for an Act exempting the sale of coal in State lands.

Respectfully submitted,

NATHAN GODFREY, Secretary.

January 7th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that: the following bills were this day introduced and read the first and second times:

By Donlan: S. B. No. 4, A bill for an Act to punish bookmaking and pool-selling by unlicensed persons, to provide for the issuance of such license and dispose of the funds arising from such license.

Referred to Committee on Public Morals.

By Donlan: S. B. No. 5. A bill for an Act to amend Section 2897 of the Revised Codes of Montana, concerning the duties of County Commissioners to contract for County Printing.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Donlan: S. B. No. 6, A bill for an Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of Senators and Representatives.

Referred to Committee on Elections and Privileges.

By Donlan: S. B. No. 7, A bill for an Act to amend Section 2759 of the Revised Codes of Montana, concerning the license of retail liquor dealers.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Donlan: S. B. No. 8, A bill for an Act entitled "An Act to provide for the appointment of a State Sheriff and prescribing his duties and fixing his compensation." Referred to Committee on Judiciary.

By Donlan: S. B. No. 9, A bill for an Act entitled "An Act to provide for ascertaining the choice of the electors of the different counties in the State of Montana, of a candidate for Senator in Congress for Montana for each political party in said State."

Referred to Committee on Elections and Privileges.

By Edwards: S. B. No. 10, A bill for an Act entitled "An Act to give the boards of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of detectives; and to employ or authorize the employment of special counsel in criminal action and in actions to which the County is a party."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Long: S. B. No. 11, A bill for an Act entitled "An Act to amend Section 4216 of the Revised Codes of the State of Montana, so as to increase the maximum par value of the shares of stock of co-operative associations, permitting co-operative associations to divide its shares of stock into classes and to legalize its stock heretofore issued in classes in different par values."

Referred to Committee on Corporations other than Municipal.

By McCone: S. B. No. 12, A bill for an Act entitled "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section IX of Article XII of the Constitution of the State of Montana, relating to Revenue and taxation."

Referred to Committee on Finance and Claims.

By McCone: S. B. No. 13, A bill for an Act entitled "An Act to amend Sections 3003 and 4257 of the Revised Codes of Montana relating to the deposits and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds of such officers."

Referred to Committee on Finance and Claims.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Senate Chamber, Helena, Montana.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: the following Standing Committees of the Senate have been selected:

#### STANDING COMMITTEES OF THE SENATE.

Eleventh Legislative Assembly—W. R. Allen, President.

1. Agriculture and Manufactures.—McDonnell, Annin, Albright, Romney, Daly.
2. Mileage.—Truscott, Cockrell, Sykes.



3. Corporations Other Than Municipal.—Meyer, Rae, McDonnell, Kessler, Albright, McCarthy, Romney.
4. Counties, Towns and Municipal Corporations—Donlan, Albright, Cowgill, Tooley, Muffy, Haviland, Kessler.
5. Education.—Tooley, Selway, Raw, McCarthy, Haviland.
6. Engrossed Bills.—Kessler, Cockrell, Fairbanks.
7. Enrolled Bills.—Rae, McCone, Truscott.
8. Federal Relations.—McCarthy, Edwards, Sykes, Sanders, Conrow.
9. Finance and Claims.—McCone, Metcalf, Edwards, Fairbanks, Everett, Romney, Truscott.
10. Judiciary.—Edwards, Meyer, Tooley, Kessler, Sykes, Long, Cockrell.
11. Military Affairs.—Cockrell, Daly, Everett.
12. Mines and Mining.—Daly, Rae, Albright, Muffy, Haviland.
13. Public Buildings.—Metcalf, McDonnell, Annin, Meyer, Sanders, Daly, Conrow.
14. Public Lands.—Cowgill, Donlan, Tooley, McCarthy, McCone.
15. Public Morals.—Muffy, Tooley, Fairbanks.
16. Printing.—Sanders, Metcalf, Muffy.
17. Roads, Highways and Bridges.—Sykes, Annin, Cowgill, Meyer, Selway, Conrow, Truscott.
18. Libraries.—Conrow, Selway, Daly.
19. Irrigation and Water Rights.—Albright, Everett, Metcalf, Edwards, McDonnell, Long, McCarthy.
20. Fish and Game.—Annin, Meyer, McCone, Cardwell, Long.
21. Election and Privileges.—Fairbanks, Meyer, Sanders, Romney, Cockrell.
22. Labor and Capital.—Long, McDonnell, Sanders, Rae, Truscott.
23. Stock Growing and Grazing.—Selway, McCone, Metcalf, Cowgill, Everett, Sykes, Cardwell.
24. Immigration.—Cardwell, Annin, Kessler, Rae, Daly.
25. Apportionment and Representation.—Rae, Fairbanks, Sanders, Selway, McCarthy.
26. Fairs and Expositions.—Haviland, Donlan, Everett, Truscott, Albright.
27. Railroads and Transportation.—Everett, Sanders, Selway, McDonnell, Edwards, Kessler, Cardwell, Muffy, Truscott.
28. Rules.—Donlan, Everett, Long.
29. Horticulture.—Romney, Meyer, Long, Donlan, Fairbanks.
30. Insurance.—Annin, Selway, Tooley, Haviland, Muffy.

Respectfully,

NATHAN GODFREY, Secretary.

January 11, 1909.

The Speaker of the House of Representatives,

House of Representatives, Helena, Montana:

I have the honor to transmit herewith sundry bounty claims which were disallowed by the State Board of Examiners for the reason that



said claims were issued under the old law subsequent to the passage of the law of 1907.

Also certain deficiency claims that have been acted upon by the State Board of Examiners.

All of which claims are transmitted for such actions as the House may deem proper.

EDWIN L. NORRIS, Governor.

Read and placed on file and the claims referred to Committee on Appropriations.

#### HOUSE COMMITTEES.

Ways and Means.—MacGinniss, Hammond, Whaley, Burke, Wilham, Cummings, T. A., Chrisler, Gray, Kilgallon, Woody, Conley.

Judiciary.—Frank, Duncan, Crutchfield, Pierson, Gray, Woody, Pomeroy, Clayberg, Gibson, Hammond, Wood.

Appropriations.—Kilgallon, Cluston, Burke, Wilham, Shoemaker, Woody, Harbert, Eliel, Hunter, Owenhouse, Metzel.

Banks and Banking.—Largey, MacGinniss, Lehrkind, Woody, Bogart, Ward, Shaw, Crouch, Wood, Connelly, Murry.

Privileges and Elections.—McCoy, Duncan, MacGinniss, Edgerton, Lehrkind, Cummings, H. T., Largey, O'Donnell, Coit.

Mines and Mining.—Byrne, Kilgallon, Dowling, Berkin, Cummings, H. T., O'Donnell, Whity, Lowney, Gibson.

Townships and Counties.—Duncan, Warren, Roy, Whaley, Connelly, Thompson, Pierson, Coit, Mitchell.

Education.—Roy, Groff, Eliel, Chrisler, Hall, Hammond, Frank, Hutchinson, King, Woody, Maxwell.

Military Affairs.—Coit, Chrisler, Hammond, Hall, Derry, Lowney, Butzerin.

Federal Relations.—Lowney, Roy, Smith, Giovanetti, Safley.

Internal Improvements.—Norton, Allen, Bogart, Clayberg, Brewster, Butzerin, Coit.

Development and Publicity.—Chrisler, Burkin, Metzel, Crutchfield, Kelsey, Byrnes, Swick.

Improvements and Manufacturing.—Mitchell, Warren, Brewster, Roy, Witmer, Thompson, Smith.

Agriculture.—Elliott, Chrisler, Bogart, Owenhouse, Jacobsin, Norton, Hall.

Horticulture.—Groff, Garber, Butzerin, Arnett, Pomeroy.

Conservation of Resources.—Clayberg, Largey, Edgerton, Byrnes, Arnett, Elliott, Borgart, King, Cummings, H. T.

Waterways and Navigation.—Harbert, Garber, Hays, Giovanetti, King, Hutchinson, Eliel.

State Lands.—Cluston, Wilham, Shoemaker, Ward, Burke, Crouch, Eliel.

Irrigation and Water Rights.—Whaley, Cummings, H. T., Woody, Shaw, Byrnes, Whity, Elliott, Metzel, Groff, Maxwell, Pomeroy.

State Boards and Officers.—Owenhouse, Lehrkind, Brewster, McCoy, Jacobsin, Lowney, Hunter.

Labor.—Hays, Garber, Witmer, Groff, Butzerin, Norton, Derry, O'Donnell, Murry, Crouch, Swick.

Apportionment and Representation.—Garber, O'Donnell, Hanifen, Hutchinson, Cluston, Hall, King, Giovanetti, Bogart.

Railroads and Transportation.—Pierson, Hays, Brewster, Whaley, Maxwell, Wilham, Connelly, Mitchell, Clayberg, Hunter, Berkin.

State Institutions, Public Buildings and Grounds.—Frank, Cluston, Thompson, Norton, Safley, Crutchfield, Derry, Owenhouse, Swick, Dowling.

Dairying.—Cummings, T. A., Groff, Jacobsin, Giovanetti, Gibson, Kelsey, Warren, White, Wood.

Fish and Game.—Berkin, Harbert, Byrnes, Brewster, Kilgallon, Witmer, Mitchell, Murray, Hanifen, Duncan, Coit.

Affairs of Cities.—Burke, Ward, Warren, Edgerton, Pierson, Harbert, Norton, Connelly, Shaw.

Rules, Joint Rules and Order of Business.—Burke, Cluston, Cummings, T. A., Duncan.

Mileage and Per Diem.—King, Dowling, Smith, Garber, Witmer, Roy, Shaw.

Printing.—O'Donnell, Garber, Dowling, Swick, Lehrkind, Warren, Hays, Derry, Shaw.

Engrossment.—Warren, Berkin, Edgerton, Hammond, Kelsey, Byrnes, Jacobsin.

Enrollment.—Woody, Largey, Pomeroy, Warren, Safley.

Libraries.—Allen, Arnett, Hannifen, Hammond, Hutchinson.

Insurance.—Lehrkind, Shoemaker, MacGinniss, Murray, Frank, O'Donnell, Gibson.

Highways.—Dowling, Largey, Gray, Berkin, Warren, Owenhouse, White, Garber, Kelsey.

Fairs and Expositions.—Wilham, Largey, Warren, Mitchell, Wood.

Live Stock and Public Ranges.—Crouch, McCoy, Cummings, T. A., Elliott, Thompson, Hanifen, Arnett, Metzel, Hunter.

Corporations Other Than Municipal.—Crutchfield, Pierson, Frank, Harbert, Cluston, Wood, McCoy, Allen, Safley.

Sanitary Affairs.—Hammond, McCoy, Shoemaker, Burke, Smith, Clayberg, Hutchinson.

House Employees.—Ward, Pierson, Whaley, Norton, Groff, Maxwell, Eliel.

Journal.—Hanifen, Duncan, Gray, Allen, Edgerton.

At the request of Crutchfield, the name of Groff was substituted for Crutchfield.

Moved by Mitchell that the Printing Committee have 300 copies of the lists of committees printed for the use of the members.

Motion carried and so ordered.

On motion House adjourned to meet at 10 a. m. tomorrow.

Attest: CHAS. Z. POND, Chief Clerk.

# Ninth Day.

January 12, 1909.

House met pursuant to adjournment at 2 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called. All present except Gibson and MacGinniss.

## COMMUNICATIONS.

Mr. Speaker:

The Legislative Smoker at the Montana Club will be held Thursday, January 14, at 9 o'clock. This is to correct an error in the invitation which gave Wednesday as the date. MONTANA CLUB.

Mr. Speaker:

I move that hereafter the Journal Committee be instructed to read the Journal and report each day to the House.

SHOEMAKER.

Carried.

State of Montana,

Office of Secretary of State,

Helena, Montana, January 11, 1909.

Mr. Speaker:

The accompanying resolutions were received at my office since the adjournment of the Tenth Legislative Assembly with the request to transmit them to the next Legislative Assembly. I now have the pleasure of transmitting the same to the Honorable House of Representatives of the State of Montana.

Respectfully submitted,

(Signed)

A. N. YODER, Secretary of State.

Secretary of State, State of Illinois,  
Springfield, May 28, 1907.

To the Honorable the Secretary of State, Helena, Montana.

Dear Sir—I enclose herewith two printed copies of the Joint Resolution recently adopted by the General Assembly of Illinois, making application to the Congress for the calling of a Constitutional Convention to propose an amendment making the Senators of the United States elective by the vote of the people.

Will you kindly transmit the same to the presiding officers of the Legislature of your State, and greatly oblige?

Yours very truly,

(Signed)

Joseph A. Rose, Secretary of State.

## 45th General Assembly, Regular Session.

(House Joint Resolution No. 12. Introduced by Hon. John P. McGoorty.)

House Joint Resolution No. 12.

Resolved, by the House of Representatives of the State of Illinois, the Senate Concurring Therein, That application is hereby made to the Congress under the provisions of Article 5 of the Constitution of the United States for the calling of a Convention to propose an amendment

to the Constitution of the United States, making the Senators of the United States elective in the several States by direct vote of the people; and,

Resolved, Further, That the Secretary of State is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the Legislatures now in session in the several States, requesting their co-operation.

Adopted by the House, May 9, 1907.

Concurred in by the Senate, May 10, 1907.

United States of America, State of Illinois.—SS.

Office of the Secretary of State.

I, James A. Rose, Secretary of State of the State of Illinois, do hereby certify that the foregoing Joint Resolution of the Forty-fifth General Assembly of the State of Illinois, passed and adopted at the regular session thereof, is the true and correct copy of the original joint resolution now on file in the office of the Secretary of State.

In Witness Whereof, I hereunto set my hand and affix the Great Seal of the State, at the city of Springfield, this 23rd day of May, A. D. 1907.

(Seal)

James A. Rose,  
Secretary of State.

Department of State,  
Madison, Wis., May 6, 1907.

To the Secretary of State, Helena, Montana.

Sir—I enclose herewith two copies of Joint Resolution No. 38 A., recently adopted by the Wisconsin Legislature and request that you transmit a copy of each to the Chief Clerks of the Legislature of your State.

Yours very truly,

J. A. Fraar, Secretary of State.

(Jt. Res. No. 38, A.)

**Joint Resolution, Memorializing Congress in Regard to Child Labor.**

Resolved by the Assembly, the Senate concurring, that we ask the Congress of the United States to provide that the proposed report on the employment of women and children be placed under the direction of the Bureau of Labor in the Department of Congress and Labor, to the end that a scientific investigation may be made into the economic and social results of such employment; and be it further

Resolved, that a copy of the foregoing be immediately transmitted by the Secretary of State to the President of the United States, to the Governors of each of the states and territories, to the President and Speaker and Chief Clerks of both Houses of Congress, to each of the Chief Clerks of the Legislature of each of the states and territories, and to the Chief Statistician of the Bureau of Labor and Commerce.

H. L. Ekern, Speaker of the Assembly.  
W. D. Ponnor, President of the Senate.

Department of State,  
Madison, Wis., July 10, 1907.

To the Secretary of State, Helena, Montana.

My Dear Sir—Pursuant to an act of the Legislature of Wisconsin, I enclose herewith a duly authenticated copy of Joint Resolution No. 238, memorializing Congress to call a Constitutional Convention for the purpose of submitting to the states for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people.

I have the honor to ask you to transmit same to the Legislature of your State.

Respectfully yours,

J. A. Fraar, Secretary of State.

(Jt. Res. No. 28 S.)

#### Joint Resolution.

Whereas, it is the sense of this Legislature of the State of Wisconsin that the public welfare demands that United States Senators should be elected by direct vote of the people, and

Whereas, the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people, and

Whereas, the United States Senate has refused to consider or vote upon said resolution, thereby denying to the people of the several states a chance to secure this imperatively needed change in the method of electing Senators, and

Whereas, such opportunity to amend the Constitution of the United States may be obtained by united action of the Legislatures of the several states under and pursuant to the provisions of Article V of the Constitution of the United States, calling for a convention to propose such amendment; now, therefore,

Be it Resolved by the Senate and Assembly of the State of Wisconsin, that, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a Constitutional Convention for the purpose of submitting to the states for ratification, an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and, further,

Be it Resolved, that the Legislatures of all other states of the United States now in session, or when next convened, be and they are respectfully requested to join in this application by the adoption of this or an equivalent resolution; and be it further

Resolved, that the Secretary of State be and he is hereby directed to transmit authenticated copies of this resolution to the President of the United States, to the Senate and the House of Representatives of the United States, and to the several members of said bodies representing

this state therein, and also to transmit copies hereof to the Legislatures of all other states of the United States.

W. D. Connor, President of the Senate.

H. L. Ekern, Speaker of the Assembly.

A. R. Emerson, Chief Clerk of the Senate.

C. E. Shaffer, Chief Clerk of the Assembly.

Senate: Ayes, 17; Noes, 12.

Assembly: Ayes, 69; Noes, 3.

#### Concurrent Resolution—Offered by Mr. Buttz.

Memorial to Congress for Constitutional Amendment.

Whereas, the recent investigation made by the Senate of the United States as to the qualifications of one of its members, has developed the fact that polygamy exists in several of the states notwithstanding the laws that exist in said states prohibiting the same; and,

Whereas, the practice of polygamy is condemned by the law-abiding people of the United States, and there is a sentiment prevailing throughout of the country for a more effectual remedy to eradicate the evil complained of, by giving the federal courts jurisdiction over and control of that question as well as that of divorces, at the same time reserving to each state the right to make and enforce its own laws relating to marriages; therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate concurring, that the Congress of the United States is hereby petitioned to take the necessary steps to provide for a constitutional amendment, to be submitted to the several states, whereby polygamy and polygamous cohabitation shall be prohibited, by giving the federal courts jurisdiction to enforce any and all acts of the United States Congress upon the subject of polygamy and polygamous practices, as well as upon uniform divorce laws throughout the several states. Be it further

Resolved, that the Secretary of State be and he hereby is directed to transmit copies of this memorial to the Senate and House of Representatives of the United States, and to the members of said bodies representing this state therein; also to transmit copies hereof to the Legislatures of all other states of the United States.

(Signed)

Treadwell Twichell, Speaker of the House.

P. D. Norton, Chief Clerk of the House.

R. S. Lewis, President of the Senate.

James W. Foley, Secretary of the Senate.

I, P. D. Norton, Chief Clerk of the House, do hereby certify that the foregoing Concurrent Resolution originated in and was adopted by the House of Representatives of the Tenth Legislative Assembly of the State of North Dakota, and was concurred in by the Senate.

P. D. Norton, Chief Clerk of the House.

Brainard, N. D., Feb. 26, 1907.

#### NOTICES OF INTRODUCTION OF BILLS.

The following notices were read:

By Harbert: A bill for an Act entitled "An Act to amend Section



2315 of Chapter 1, Part III, Title X of the Political Code, relating to the election of directors in irrigation districts."

By Frank: A bill defining necessary qualifications of persons practicing in a representative capacity before justices of the peace in counties of the first class.

By Cluston: A bill for an Act entitled "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives and to fix the number of members thereof."

By Frank: A bill defining the qualifications of Justices of the Peace in counties of the first class.

By Crouch: A bill for an Act entitled "An Act to regulate the disposition of game shipped into the State of Montana from other states or foreign countries."

By Kilgallon: An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors for the year 1909.

#### NOTICES FROM THE SENATE.

January 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following committee has been added to the Standing Committees of the Senate:

Insurance.—Annin, Selway, Tooley, Haviland, Muffly.

Respectfully,

NATHAN GODFREY, Secretary.

January 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced and read first and second times:

By Donlan: S. B. No. 18, A bill for an Act entitled "An Act to provide for the creation, organization, government, and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition either by construction, purchase or otherwise, and for the maintenance and control of works, water, property, and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expenses of such districts; and to extend and apply the provisions of this act to irrigation districts of the state heretofore organized or in process of organization under existing laws, and to repeal, with certain reservations, the provisions of Sections 2309 to 2402 both inclusive of Title X, Part II, of the Revised Codes of Montana of 1907."

Referred to Committee on Irrigation and Water Rights.

By Romney: S. B. No. 19, A bill for an Act entitled "An Act for the relief of the widow and minor children of Charles B. Peyton, a deputy State Game Warden who was killed while in the performance of his official duty by Indians, on the 18th day of October, 1908."

Respectfully,

NATHAN GODFREY, Secretary.

## NOTICES FROM THE SENATE.

January 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction of bills were given as follows:

By Donlan: A bill for an Act to provide for the issue and sale by the State Board of Examiners of bonds for the purpose of erecting wings to the State Capitol, and to provide for the erection of said wings under the authority and direction of the State Board of Examiners.

By Donlan: A bill for an Act to Increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection, compilation of statistics for the use of said Bureau by Counties and by Chambers of Commerce Commercial Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federative Trade Unions and other industrial Associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriation by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an Assistant Clerk for said Bureau.

By Donlan: A bill for an Act to amend Sections 149, 168, 194, 186, and 175 of the Revised Codes of Montana, of 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor and State Treasurer.

By Everett: A bill for an Act entitled, "An Act to Regulate the fees or compensation allowed to the State and County Officers, Jurors, Witnesses and others who travel at the public expense as traveling expenses.

By Cowgill: A bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another."

By Cowgill: A bill for an Act to change the boundaries of the Eighth and Eleventh Judicial Districts of the State of Montana by detaching Teton County from the Eleventh Judicial District, and attaching it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two judges in said Eighth Judicial District, one of whom shall keep his chambers at the town of Chouteau, Teton County.

By McCarthy: A bill for an Act to create a Legislative Reference Bureau, designating its members, defining its powers and duties, and providing for assistant Librarians in connection therewith, and fixing their salary.

By McCone: A bill entitled, "An Act to amend Section 8689 of the Revised Codes of Montana, of 1907, respecting the sales of mortgaged property, or its removal from the county in which it is situated.

By Romney: A bill for an Act to amend Section 1025 and Section 1029 of the Revised Codes of the State of Montana for 1907, relating to the designation of Pioneer Day, and to the course of exercises.

By Meyer: A bill for an Act entitled, "An Act relating to, and

to regulate the granting of new trials and the reversal and setting aside of Judgments in criminal causes.

By Cockrell: A bill for an Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relating to questions to be put to electors and cancelling of registration of electors.

NATHAN GODFREY, Secretary.

## REPORTS OF STANDING COMMITTEE.

January 11, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 13, "An Act Entitled, An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana?" having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

On motion adopted and bill referred to Printing Committee.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 12, entitled, "An Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

On motion report adopted and bill referred to Printing Committee.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 11, An Act entitled, "An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana", having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

On motion adopted and bill referred to Printing Committee.

The following report was received, read and on motion referred back to Committee.

Helena, Montana, January 12, 1909.

Mr. Speaker:

Your Committee on Employees recommends that clerks be allotted as follows:

Committee on Ways and Means is authorized to have one clerk.  
Appropriations Committee, one clerk.

Judiciary Committee, one clerk.

Banks and Banking; Privileges and Elections; Mines and Mining,  
one clerk.

Townships and Counties; Water Ways and Navigation; Education,  
one clerk.

Labor; Military Affairs; Federal Relations, one clerk,

State Lands; Rules and Order of Business; High Ways, one clerk.

Insurance; Internal Improvements; Improvements and Manufacturing, one clerk.

Developments and Publicity; Apportionment and Representation; Mileage and per diem, one clerk.

Agriculture; Conservation of Resources; Fish and Game, one clerk.

Irrigation and Water Rights; State Boards and Officers, one clerk.

Railroads and Transportation; Sanitary Affairs, one clerk.

Horticulture; State Institutions; Public Buildings and Grounds; Dairying, one clerk.

Affairs of Cities; Libraries; Fairs and Expositions, one clerk.

Printing, three clerks.

Engrossing, three clerks.

Enrolling, three clerks.

Live Stock and Public Ranges; Corporations other than Municipal, one clerk.

Respectfully,

WARD, Chairman.

Mr. Speaker:

Your Committee on House Employees respectfully recommends the following appointments of Committee Employees, and move their confirmation as follows:

Miss May McHugh, Miss Bridenbach, Miss Mollie Murphy, Miss Mable Able, W. F. Hirsch, Miss Elizabeth Trischman, Miss Gertrude L. Miles, Miss Cora A. McLaughlin, Miss Katherine O'Donnell, Miss Emma Savage.

Respectfully submitted,

WARD, Chairman.

On motion report adopted.

Moved by G. Hayes that the vote on adoption of report be reconsidered.

Mr. Speaker ruled motion out of order.

#### REPORTS OF SELECT COMMITTEE.

The reports of select committee was received, read and on motion of Duncan adopted.

Mr. Speaker:

Your Committee appointed to segregate the message of the Governor and refer the different recommendations to the proper Committee of the House, beg leave to make their report and recommend as follows:

Enforcement of the Law be referred to Judiciary Committee.

Financial to Appropriation Committee as a guidance merely.

Assessed Valuation to Finance Committee.

Legislative Expenses to Appropriation Committee.

Live Stock Interests to Live Stock and Public Ranges.

Direct Primary and Elections to Committee on Privileges and Elections.

High Ways to High Way Committee.

Guarantee of Bank Deposits to Committee on Banks and Banking.

Back pay for Spanish-American War Veterans to Committee on Military Affairs.

Reports of officers and boards to Committee on State Boards and Officers.

Official bonds to Committee on State Boards and Officers.

Flathead County Timber Sale to State Lands Committee.

The Alaska-Yukon-Pacific Exposition to Committee on Fairs and Expositions.

Employer's Liability to Committee on Labor.

Mining to Committee on Mines and Mining.

Coal Mining to Committee on Mines and Mining.

State Educational Institutions to Committee on Education.

The State Prison to Committee on State Institutions, and Public Buildings and Grounds.

State Reform School to Committee on State Institutions, Public Buildings and Grounds.

Experiment Station and Farmers' Institutes to Committee on Irrigation and Water Rights.

Public service Commission to Committee on Railroads and Transportation.

Franchises to Committee on Affairs of Cities.

Transportation and Communication to Committee on Railroads and Transportation.

Natural Resources to Committee on Conservation of Resources.

Forest Reserves to Committee on Conservation of Resources.

Water to Committee on Irrigation and Water Rights.

State Timber Lands to Committee on State Lands.

State Lands to Committee on State Lands.

Water for State Lands to Committee on State Lands.

Investment of Land Grant Funds to Committee on State Lands.

Income from State Lands to Committee on State Lands.

Advertisement of State Resources on Development and Publicity.

Industrial Education to Committee on Education.

Assessment of Property to Committee on Townships and Counties.

Income Tax to Judiciary Committee.

Disbursements by the Governor to the Governor.

Respectfully,

CRUTCHFIELD, Chairman.

On motion of Duncan, report was adopted.

The following bills were introduced, read first and second times and referred:

By Whaley: H. B. No. 33, A bill for an Act to amend Sections 6342, 6343, Revised Codes of Montana of 1907, relating to the Selecting and Returning of Jurors. Referred to Judiciary Committee.

By Whaley: H. B. No. 34, A bill for an Act entitled, "An Act to amend Section 8582, 8583 and 8585 of the Revised Codes of the State of Montana, of 1907, relating to the Carrying of Concealed "Weapons". Referred to Committee on Military Affairs.

By Allen: H. B. No. 35, A bill for an Act to secure Liens to mechanics, Laborers, Horse-shoers, and Wagon Builders and Repairers. Referred to Judiciary Committee.



By Frank: H. B. No. 36, A bill for an Act entitled, "An Act appropriating money for the payment of the claims of Julius Barney for services rendered as Pay-master in paying to the Spanish-American War Veterans the back pay due them for Services between the Time of Enrollment and Mustering of Service. Referred to Committee on Military Affairs.

By Berkin: H. B. No. 37, A bill for an Act entitled, "An Act to require paddle wheels or screens to be placed in ditches, canals, or other artificial means used to divert water." Referred to Committee on Irrigation and Water Rights.

By Duncan: H. B. No. 38, A bill for an Act amending Sections 4872, 4873, of the Revised Codes of Montana, of 1907, and being Sections 4 and 5 of Chapter 185, of the Session Laws of 1907, Approved March 9th 1907, relating to the Appropriation of water and providing the manner in which water may be appropriated and the Right thereto acquire from a Judicated Streams, Springs, Creeks, Canyons, Rivers and Ravines. Referred to Committee on Irrigation and Water Rights.

By Harbert: H. B. No. 39, A bill for an Act entitled, "An Act to prohibit Live Stock from running at large in any county or portion of county in which three-fourths of the lands therein are under fence, except in certain cases, and providing a penalty for the enforcement of this Act." Referred to Committee on Live Stock and Public Ranges.

By Wood, H. B. No. 40, A bill for an Act to amend Sections 2054 and 2055 of the Revised Codes of Montana of 1907, relating to the letting of contracts of County Commissioners for the care, support and maintenance of the County Poor. Referred to Judiciary committee.

By Woody, H. B. No. 41, A bill for an Act entitled, "An Act relating to the Commencement of Actions to set aside Sales of Property for delinquent taxes to cancel or annul tax deeds and to recover property sold for delinquent taxes. Referred to Committee on Ways and Means.

By Hutchinson, H. B. No. 42, A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the Chaplain of the Soldier's Home. Read a first time by title, a second time at length and referred to Committee on Appropriation.

By McCoy, H. B. No. 43, A bill for an Act to amend Article 1, Chapter XII, Title II, Part III of the Political Code of the State of Montana, relating to the elections of United States Senators. Referred to Committee on Privileges and Election.

By McCoy, H. B. No. 44, A bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana of 1907, in relation to form of ballots to be used. Referred to Committee on Privileges and Election.

By Clayberg, H. B. No. 45, A bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of Cities and Towns issued for the Municipal purposes and now held or owned by Bona Fide Holders thereof for value, and the issuance of funding bonds thereof." Referred to Judiciary Committee.



By Clayberg, H. B. No. 46, A bill for an Act entitled, "An Act to provide for notice to be given to persons of the time and place of the hearing to judge such persons insane or incompetent." Referred to Judiciary Committee.

By Byrnes, H. B. No. 47, A bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof and prescribing limitations of time in which such proceedings may be instituted. Referred to Judiciary Committee.

By Bogart, H. B. No. 48, A bill for an Act to amend Sections 317, 318, Subdivisions 5 and 6 of Section 320, Section 325, 327 and 328, of the Revised Codes of Montana of 1907. Entering the jurisdiction of Notaries Public and making their jurisdiction co-extensive with the boundaries of the State. Referred to Judiciary Committee.

By Warren, H. B. No. 49, A bill for an Act changing the boundaries of the said judicial district of the State of Montana, and to change the boundaries of the Fifth Judicial District to conform thereto. Read first and second time and referred to Committee on Judiciary.

By Burke, H. B. No. 50, An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895 and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to Stenographers of the District Courts, their duties, qualifications and compensations. Read first and second time and referred to Committee on Judiciary.

By Hunter, H. B. No. 51, A bill for an Act fixing the compensation of County Commissioners, and providing that they shall occupy their entire time in the performance of the duties of their office. Read first and second time and referred to Committee on Judiciary.

By Brewster, H. B. No. 52, A bill for an Act to define the word "Estray", to provide for the gathering and sale of estrays, and providing penalties for the taking up, or disposing of estrays contrary to law. Read first and second time and referred to Committee on Live Stock and Public Ranges.

By Brewster, H. B. No. 53, A bill for an Act entitled, "An Act to repeal Section 1792 of the Revised Codes, relating to the publication of marks and brands and to provide in lieu thereof for the recording of marks and brands and the publication thereof." Read first and second time and referred to Committee on Live Stock and Public Ranges.

The following resolution was read and adopted:

January 12, 1909.

Resolved: That the Chief Clerk of the House be instructed to prepare twice a week a card showing the position of all House Bills and Joint Resolutions and Senate Bills and Resolutions in the House; and that the same be printed for the use of the House and Senate.

EDGERTON.

On motion adopted.

Mr. Speaker announced that Hammond and Roy will change places on Committee of Education.

On motion of Kilgallon, House adjourned until 10 A. M. to-morrow.  
Attest: CHAS. Z. POND, Chief Clerk.

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## Tenth Day.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call, all present except MacGinniss and Smith.

The Committees reported as follows:

Mr. Speaker:

Your Committee on House Journal begs leave to report having examined and read Journal of Tuesday January 12, and find same to be correct.

T. J. HANIFEN, Chairman.

Report received and adopted.

Moved by Frank that the action of yesterday in dispensing with the reading of the Journal and appointing a committee to do the same be reconsidered.

On motion was adopted.

Shoemaker raised the point of order as to whether Frank voted in the affirmative or not.

Mr. Speaker ruled Frank's motion in order.

Motion to reconsider carried.

Pierson moved that the Journal itself be read; move as an amendment by Kilgallon that the sheets as prepared by Clerk be read.

On motion of Duncan motion tabled.

Frank moved that all matters relating to reading of Journal be referred to Judiciary Committee to report on to-morrow. Motion carried.

Journal of the 9th day read and approved.

### NOTICES FROM THE SENATE.

Mr. Speaker:

I am directed by the Senate to inform your Honorably body, that: the following bills were this day introduced, read twice and referred.

By McCone: S. B. No. 20, A bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana of 1907 respecting the sale of mortgaged property, or its removal from the county in which it is situated." Referred to Committee on Judiciary.

By Meyer: S. B. No. 21, A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversals and setting aside of judgments in criminal causes." Referred to Committee on Judiciary.

By McCarthy: S. B. No. 22, A bill for an Act entitled, "An Act to create and establish a Legislative Reference Bureau, designating its members, defining its powers and duties, providing for assistant librarians

in connection therewith, and fixing their salaries." Referred to Committee on Libraries.

By Donlan: S. B. No. 23, A bill for an Act entitled, "An Act to amend Sections 149, 168, 194, 186 and 175, of the Revised Codes of Montana of 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor and State Treasurer." Referred to Committee on Finance and Claims.

By Donlan: S. B. No. 24, A bill for an Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau, by Counties and by Chambers of Commerce, Commercial Bodies, Farmers Institutes, Co-operative Societies of Farmers, State Federated Trades Unions, and other Industrial Associations of Promotive Character; to provide for the publication and publicity of such statistics; to provide for appropriations by Counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an Assistant Clerk for said Bureau. Referred to Committee on Judiciary.

By Everett: S. B. No. 25, A bill for an Act entitled, "An Act to regulate the fees or compensation allowed all State and County Officers, Jurors, Witnesses and others who travel at the public expense as travelling expenses. Referred to Committee on Towns Counties and Municipal Corporations.

By Cowgill: S. B. No. 26, A bill for an Act entitled, "An Act to amend Section 876 Revised Codes of Montana, 1907, relating to the transfer of school moneys from one district to another." Referred to Committee on Education."

Respectfully,

NATHAN GODFREY, Secretary.

January 12th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: notices of introduction of bills were received as follows:

By McCone: A bill for an Act entitled, "An Act relating to Banks and Banking; providing for conversion from a State Bank to a National Bank: and surrender its charter as a State Bank and transfer of its property; providing for an increase or decrease in the capital stock of such Bank: Providing for conversion from a National to a State Bank."

By Muffy: A bill prohibiting marriage between white persons and negroes or persons of negro blood and between white persons and Chinese and Japanese and making such marriage void; and prescribing punishment for solemnizing such marriages.

By Sanders: A bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line or railway in the State of Montana, to equip its locomotive engines with electric headlight of not less than 1500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act.

By Romney: A bill for an Act relative to Commission Merchants

or persons selling agricultural and horticultural products and farm produce on commission.

Respectfully,

NATHAN GODFREY.

### NOTICES OF INTRODUCTION OF BILLS.

January 13, 1909.

By Safley: A bill relative to the qualification of teachers and issuance of special certificates.

By Norton: A bill for an Act to amend Sections 3223, 3225, 3232, 3238, 3240, 3241, and 3245 of Article 3, Title 3, Part 4 of the Political Code of Montana of the compilation of 1907.

By Norton: A bill for an Act to amend Section 3257, Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana, relating to the duties of City Treasurers.

By Duncan: A bill for an Act relative to the construction of dams, dikes, and embankments for the purpose of storing water, and providing for the inspection thereof by the State Engineer, to provide a penalty for the violation of this Act, and to repeal Sections 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150 and 2151 of the Revised Codes of Montana, being Sections 3440 to 3553, inclusive of the Political Code of Montana.

By Byrnes: A bill for an Act in relation to the proof of a corporation existence.

By Swick: A bill for an Act entitled, "An Act to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes.

By Largey: A bill for an Act to amend Sections 3211, 3212 and 3214, of Article 1, Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana of the compilation of 1907.

By Murray: A bill for an Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to the exhibition of hides of slaughtered cattle by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.

### REPORTS OF STANDING COMMITTEES.

The following reports received, read and adopted:

Helena, Montana, January 12, 1909.

Mr. Speaker:

We, your Committee on House Employees respectfully recommend the adoption of the following resolution:

RESOLVED that all chairman of committees be required to employ as clerks, only those applicants who have been selected by your committee and employed by the House.

Signed, WARD, Chairman.

On motion was adopted.

Helena, Montana, January 12, 1909.

Mr. Speaker:

Your Committee on employees recommends that clerks be allotted as follows: Committee on Ways and Means, one clerk; Appropriation Committee, one clerk; Judiciary Committee, one clerk; Printing Committee, 3 clerks.

Respectfully,

WARD, Chairman.

On motion adopted.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second times and referred.

By Gray: H. B. No. 54, A bill for an Act entitled, "An Act to empower the City Council, or corporate authorities of any city, to regulate the rates and charges to be allowed corporations, companies or individuals for furnishing gas, water, or electricity, to any such city, or the inhabitants thereof, and to fix the maximum rates thereof. Read first and second time and referred to Committee on Affairs of Cities.

By Gray: H. B. No. 55, A bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Section 6 of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities."

Read first and second time and referred to Committee on Affairs of Cities.

By Clayberg: H. B. No. 56, A bill for an Act entitled, "An Act amending Section 8339, Part 1, Title 9, Chapter 1, Penal Code of the Revised Codes of Montana 1907, relating to the punishment provided for the crime of rape."

Referred to Judiciary Committee.

By Clayberg: H. B. No. 57, A bill for an Act entitled, "An Act amending Section 8642, Part 1, Title XIII, Chapter V, Penal Code of the Revised Code of Montana 1907, relating to larceny."

Referred to Judiciary Committee.

By Cummings: H. B. No. 58, An Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, relating to the soldiers.

Referred to Committee on State Institutions.

By Kilgallon: H. B. No. 59, An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential elector for the year 1909.

Read the second time at length and referred to Committee on Appropriations.

By Kilgallon: H. B. No. 60, A bill for an Act entitled, "An Act to provide a home for aged, decrepit, or crippled miners and prospectors, and under certain conditions to admit the dependent wives or mothers of said miners and prospectors to said home, and to provide for the purchase or acceptance by gift of some suitable lands on which the said Home is to be erected, and providing for the Board of Managers and other employees and outlining their duties, and further providing



Ways and Means for the conduct of said Home, and providing for the expenses of the maintenance of said Home, and making the necessary appropriations to carry out the provisions of this Act."

Referred to the Committee on State Institutions.

#### MOTIONS AND RESOLUTIONS.

The following motions were read and acted upon:

Helena, Montana, January 13, 1909.

Mr. Speaker:

I make a motion that soliciting agents of all classes be not permitted to solicit in the Assembly Hall or Lobby during the Eleventh Session, this to include members of the House when it does not conflict with their duties pertaining to Legislation.

WILHAM.

On motion, referred to Committee on Rules.

Helena, Montana, January 13, 1909.

Mr. Speaker:

I submit the following resolution:

Resolved that a Committee of five be appointed by the Speaker to examine the evidence now in the hands of a Governor and the State Land Board pertaining to sale of State Lands; that said Committee be given full power to take evidence and call witnesses and require the production of papers and exhibits in all matters pertaining to State Lands, and the conduct of the State Land Office. Said Committee to report its findings and recommendations to the House.

MITCHELL.

Resolution adopted, and Mr. Speaker announced that he would appoint committee later.

Mr. Speaker:

I move that the names of Stella McRae and Julia O'Brien of Cascade County be added to the list of clerks of this House, subject to approval of the Committee of House Employees as to their qualifications.

HAYES.

On motion carried.

Duncan moved the following:

Mr. Speaker:

I move you that the motion by which the report of the Committee on Employment which was on yesterday referred back to that Committee relative to the employment of clerks by the several Standing Committees be reconsidered.

DUNCAN.

On motion laid on the table.

Norton moved the following:

Mr. Speaker:

I move that the names of Miss Lottie Smith and Miss Genevieve Haggerty who have been examined by the House Committee on employees and found competent be placed on the pay roll of the House.

NORTON.



On motion referred to Committee on House Employees.

Moved that when the House adjourned, it adjourns until 10:30 A. M. to-morrow, January 14th.

On motion adjourned.

Attest: CHAS. Z. POND, Chief Clerk.

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## Eleventh Day.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Journal of 10th day read and approved.

Roll call. Quorum present.

### COMMUNICATIONS FROM SENATE.

January 13, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were to-day introduced and read first and second times.

By Sanders: S. B. No. 27, A bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana to equip its locomotive engines with electric headlights of not less than 1500 candle power without the aid of a reflector or other headlights of not less than 1500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act." Referred to Committee on Railroads and Transportation.

By Romney: S. B. No. 28, A bill for an Act entitled, "An Act relative to Commission Merchants or persons selling agricultural and horticultural products, or farm produce, on commission." Referred to Committee on Horticulture.

By Tooley: S. B. No. 29, A bill for an Act entitled, "An Act requiring all State, County and Other Public Officers to furnish official bonds executed by some surety company authorized to do business in the State of Montana." Referred to Committee on Judiciary.

By Donlan: S. B. No. 30, A bill for an Act entitled, "An Act to provide for the issue and sale, by the State Board of Examiners, of Bonds for the purpose of erecting wings to the State Capitol Building; and to provide for the erection of said wings under the authority and direction of the State Board of Examiners." Referred to Committee on Public Buildings.

Respectfully,  
NATHAN GODFREY, Secretary.

January 13, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following notices of bills were given.

By Meyer: A bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of Domestic Corporations and exempting State Banks, Trust Companies and Building and Loan Associations from its requirements.

By Edwards: A bill entitled, "An bill for an Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors.

By Cockrell: A bill for an Act entitled, "An Act to provide for the appointment and maintenance of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of veterinary medicine within the State of Montana."

By Donlan: A bill for an Act to amend Sections 3259, 3278, 3283, 3285, 3288 and 3289 of Article 4, Chapter 3, Title 3, Part 4 of the Political Code of Montana of the compilation of 1907.

Respectfully,  
NATHAN GODFREY, Secretary.

#### NOTICES OF INTRODUCTION OF BILLS.

By Norton: A bill for an Act to amend Section 3478 of Article 11, Chapter 6, Title 3, Part 4, of the Political Code of Montana, relating to platting of cities.

By Coit: A bill for an Act to amend Sections 8474 and 8475 of the Revised Codes of Montana of 1907, making it unlawful to herd or drive live stock upon another's land, providing penalties therefor, and to give a right of action for damages.

By Lehrkind: A bill for an Act to provide the State Auditor shall also be designated as Commissioner of Insurance, Ex-officio, and to provide for the appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an Actuary.

By Lehrkind: A bill for an Act to amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907, relating to Licenses of Insurance Companies and Agents.

By Shoemaker: A bill for an Act to provide for an examination by the Commissioner of Insurance of all insurance companies, including surety companies, organized under the laws of this state or organized under the laws of any other state, or territory, or foreign country, and to provide for the payment of expenses incurred in making such examination, and to provide for publishing the result of such examinations, and relating to the revocation of licenses, and to provide penalty for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907.

By Werner: A bill for an Act entitled, "An Act to declare the twelfth day of February in each year to be a legal holiday to be known and designated as Lincoln's birthday.

By Hall: A bill for an Act entitled, "An Act granting and giving to the Council of any incorporated city or town the power to fix and establish reasonable rates and charges for gas, electric or other light and electric or other power sold within its limits."

By Gray: (by request) A bill for an Act entitled, "An Act to amend

Section 6315 Revised Codes, relating to disqualifications of Juries.

By Gray: A bill for an Act entitled, "An Act to amend Section 3418 Revised Codes of Montana, relating to improvements of cities."

By Pomeroy: A bill for an Act entitled, "An Act to amend Section 5819 of the Revised Codes of Montana, 1907, relating to Loggers' Liens."

#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 12, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 25, beg leave to report as follows:

The passage of said bill is recommended.

Respectfully submitted,

FRANK, Chairman.

Report adopted.

Bill referred to Printing Committee.

Helena, Montana, January 13, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 28, A bill for an Act entitled, "An Act making appropriation of money for the State Orphans' Home at Twin Bridges, Montana, for the maintenance thereof for the months of January and February, 1909."

Having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 18, beg leave to reports as follows: Said bill is entitled, "A bill for an Act entitled, An Act to repeal Section 2108 of the Penal Code, Section 9309 of the Revised Codes of the State of Montana, and to enact in lieu thereof a new section, to be known as Section 9309 of the Revised Codes of Montana."

Your Committee respectfully recommends that said bill be indefinitely postponed.

Respectfully submitted,

FRANK, Chairman.

Report adopted.

Report of Committee on House Employees, report as follows: grouping of various Committee work, and clerks required.

Bank & Banking, Privileges of Election, Education, Internal Improvements, Military Affairs—one clerk.

Mines & Mining, Agriculture, Horticulture, Mileage & Per Diem, Apportionment & Representation, Dairying, Library—one clerk.

Townships & Counties, Development & Publicity, Improvements & Manufacturing, Conservation of Resources, Insurance, Sanitary Affairs—one clerk.

Irrigation & Water Rights, Water Ways & Navigation, State Boards & Officers, and Railway & Transportation—one clerk.

State Lands & Labor, Fish & Game, and Federal Relations—one clerk.

State Institutions, Joint Rules, Rules & Order of Business, Highways, and Fairs & Expositions—one clerk.

Corporations other than Municipal, Live Stock & Ranges, House Employees, Affairs of Cities—one clerk.

Engrossing Committee—three clerks.

Enrolling Committee—three clerks.

WARD, Chairman.

Adopted.

Helena, Montana, January 14, 1909.

Mr. Speaker:

House Employment Committee recommend that Mr. Fred H. Averill, and Mr. Garlow, be assigned to the Printing Committee. Miss Stella McRae, Miss Julia O'Brien be employed. Employment Committee requests that they be informed at any time when the force of stenographers and clerks so far employed are found unable to perform the work required of them.

WARD, Chairman.

Adopted.

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 11, 12, 13, report the same back as correctly printed.

O'DONNELL, chairman.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Edgerton: A bill for an Act to abolish the Carey Land Act Board, and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said Board. Referred to Committee on State Boards and Officers.

By Gray: A bill for an Act entitled, "An Act requiring County Commissioners to employ suitable person to investigate and report for taxation property that has for any reason escaped taxation." Referred to Committee on Ways and Means.

By McCoy: A bill for an Act entitled, "An Act to amend Subdivision 1 of Section 1161, of the Political Code of the State of Montana, relating to proclamations of election, by the Governor." Referred to Committee on Privileges and Elections.

By Murray: A bill for an Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to the exhibiting of hides of slaughtered cattle by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do. Referred to Committee on Live Stock and Public Ranges.

By Garber: A bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish rules and regulations therefor." Referred to Committee on Highways.

By Duncan: A bill for an Act entitled, "An Act requiring all State, County and other Public Officers to furnish official bonds executed by

some surety company authorized to do business in the State of Montana."

Referred to Committee on Insurance.

By Harbert: A bill for an Act entitled, "An Act to amend Sections 2313, 2315 and 2318 of Part III, Title X, Chapter 1, of the Political Code, relating to the election of Directors in Irrigation Districts."

Referred to Committee on Irrigation and Water Rights.

### READING OF HOUSE BILLS.

The following House Bills were read first and second times and referred:

By Edgerton: H. B. No. 61, A bill for an Act to abolish the Cary Land Act Board and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Cary Land Act Board, and defining their duties and the duties of the State Engineer in connection with said Board."

Referred to Committee on State Board and Officers.

By Gray: H. B. No. 62, A bill for An Act entitled, "An Act requiring County Commissioners to employ suitable person to investigate and report for taxation property that has for any reason escaped taxation."

Referred to Committee on Ways and Means.

By McCoy: H. B. No. 63, A bill for an Act entitled, "An Act to amend Subdivision 1 of Section 1161, of the Political Code of the State of Montana, relating to proclamations of election, by the Governor."

Referred to Committee on Privileges and Election.

By Murray: H. B. No. 64, A bill for an Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to exhibiting of hides of slaughtered cattle by prohibiting the slaughtering of cattle on the public ranges, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.

Referred to Committee on Live Stock and Public Ranges.

By Garber: H. B. No. 65, A bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and warves, and to establish rules and regulations therefor."

Referred to Committee on High Ways.

By Duncan: H. B. No. 66, A bill for an Act entitled, "An Act requiring all State, County and other Public Officers to furnish official bonds executed by some surety company authorized to do business in the State of Montana."

Referred to Committee on Insurance.

By Harbert: H. B. No. 67, An Act entitled, "An Act to amend Section 2313, 2315, and 2318 of Part III, Title X, Chapter 1, of the Political Code, relating to the election of Directors in Irrigation Districts."

Referred to Committee on Irrigation and Water Rights.

At request of Hammond, Acting Chairman of Committee on Ways and Means H. B. No. 41 was taken from the Committee and referred to Judiciary Committee.



At request of Berkin H. B. No. 37 was referred to Committee on Fish and Game.

On motion of Burke the House went into Committee of the Whole to consider general orders.

Burke in the chair.

House resumed.

Mr. Speaker in the chair.

The committee of the whole reported as follows:

Helena, Montana, January 14, 1909.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bills numbered 11, 12 and 13 beg leave to report as follows:

H. B. No. 11, introduced by Burke, recommend that it do pass as amended. Title agreed to.

Mr. Speaker:

Your Committee having had under consideration H. B. No. 12, introduced by Burke, report same back with recommendations that same do pass as amended. Title agreed to.

Mr. Speaker:

Your Committee having had under consideration House Bill No. 13, introduced by Burke, report same back with recommendation that same do pass as amended. Title agreed to.

Respectfully submitted,

BURKE,

Chairman Committee of the Whole.

On motion report adopted.

On motion of Burke, rules were unanimously suspended and House Bills 11, 12 and 13, were considered engrossed and placed on third reading.

House Bill No. 11 was read third time and passed by the following vote: Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Chrissler, Clayberg, Coit, Connelly, Crouch, Cummings of Granite, Cummings of Chouteau, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hannifen, Hayes, Harbert, Hunter, Hutchinson, Jacobsin, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzall, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker. 67.

Absent and not voting: Cluston, Crutchfield, Derry, MacGinniss. 4.

House Bill No. 12 was read third time and passed by following vote: Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Chrisler, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliot, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hannifen, Hayes, Harbert, Hunter, Hutchinson, Jacobsin, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzall, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker,



Smith, Thompson, Swick, Ward, Warren, Whaley, White, Wilham, Witmer, Wood, Woody, Mr. Speaker. 67.

Absent and not voting: Cluston, Crutchfield, Derry, MacGinniss. 4. Total 71.

House Bill No. 13, was read third time and passed by the following vote: Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burk, Butzerin, Byrnes, Chrisler, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cummings, of Granite, Cummings of Chouteau, Dowling, Duncan, Edgerton, Eliel, Elliot, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobsin, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker. 67.

Absent and not voting: Cluston, Derry, MacGinniss, Shoemaker. 4. Total 71.

Mr. Speaker:

I respectfully ask that the Live Stock and Public Ranges Committee be increased from nine to eleven members and that William C. Whaley of Broadwater and Geo. W. Brewster of Rosebud be named as members of said Committee.

CROUCH.

On motion carried.

Mr. Speaker:

I move the inserting communications at length in the Journal be omitted, other than by reference to their purport, excepting those received from the Governor, the Senate, the Speaker, Committees and Members of the House, unless some action be taken by the House on such former communications.

PIERSON.

On motion adopted.

Mr. Speaker appointed the following Committee; Cluston, Mitchell, Eliel, Whaley, Shomaker, to investigate the State Board of Land Commissioner, according to resolution introduced by Mitchell yesterday.

On motion of Duncan, House adjourned until 10 A. M. to-morrow, Jan. 15, 1907.

Attest: CHAS. Z. POND, Chief Clerk.

## Twelfth Day.

Helena, Montana, January 15, 1909.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. All present except Berkin, MacGinniss. Edgerton and Berkin paired during Berkin's absence.

Journal of 11th day read and approved.

## NOTICES OF INTRODUCTION OF BILLS.

By Gray: A bill for an Act entitled, "An Act to amend Section 1361, Revised Statutes, so as to permit the election of Road Supervisors by the people, and to amend Sections 1344, 1345 and 1346 and 1347, regarding the taxes for road purposes and the distribution thereof.

By Thompson: A bill for an Act to repeal Section 4015 of the Revised Codes of Montana, concerning Banking Corporations of this State.

By Thompson: A bill for an Act to appropriate funds for the Fergus County Dry Land Farming Experimental Station.

By Harbert: A bill for an Act pertaining to the establishment of a State Fish Hatchery in Flathead County.

By Committee on Federal Relations: A concurrent resolution entitled, "A memorial to Congress for constitutional amendment to prohibit polygamy and to secure uniform divorce laws."

By Pierson: A bill for an Act entitled, "An Act to amend Sections numbered 1889, 1890 and 1891, relating to the powers of the State Livestock Sanitary Board, authorizing the slaughter of diseased animals, or animals exposed to disease, and providing appraisal and compensation therefore; and repealing Sections numbered 1841, 1842, 1847, 1848, 1850, 1851, and 1853 of the 1097 Revised Codes of Montana."

By Witmer: A bill for an Act entitled, "An Act to amend Section 2054 and 2055 of the Revised Codes of Montana in relation to contracts of taking care of the poor Revised Codes of 1907."

By Woody: A bill for an Act entitled, "An Act to amend Section 2542 of the Revised Codes of Montana, 1907, relating to the taxation of property omitted from taxation during previous years.

## NOTICES FROM THE SENATE.

January 14, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were this day introduced, read first and second time and referred.

By McCone: S. B. No. 31, A bill for an Act entitled, "An Act relating to Banks and Banking; providing for conversion from a State Bank to a National Bank; and surrender its charter as a State Bank and transfer of its property; providing for an increase or decrease in the Stock of such Bank; providing for conversion from a National to a State Bank."

Referred to Committee on Corporations other than Municipal.

By Cowgill: S. B. No. 32, A bill for an Act entitled, "An Act to detach Teton County from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two Judges in the said Eighth Judicial District, one of whom shall keep his chambers at Choteau, Teton County.

Referred to Committee on Judiciary.

By Cockrell: S. B. No. 33, A bill for an Act entitled, "An Act to

amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors."

Referred to Committee on Privileges and Elections.

By Muffy: S. B. No. 34, A Bill for an Act entitled, "An Act prohibiting marriage between white persons and negroes or persons of negro blood, and between Chinese and Japanese and white persons, and making such marriage void; and prescribing punishment for solemnizing such marriages."

Referred to Committee on Public Morals.

By Edwards: S. B. No. 35, A bill for an Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors.

Referred to Committee on Privileges and Elections.

By Meyer: S. B. No. 36, A bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of domestic corporations, and exempting State Banks, Trust Companies and Building and Loan Associations from its requirements.

Referred to Committee on Corporations other than Municipal.

Respectfully,

NATHAN GODFREY, Secretary.

By Selway: S. B. No. 37, A bill for an Act providing that the First Judicial District shall hereafter be composed of the Counties of Lewis and Clark and Jefferson, and the Fifth Judicial District shall hereafter be composed of the Counties of Beaverhead and Madison.

Respectfully,

NATHAN GODFREY, Secretary.

January 14, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: House Bills 11, 12 and 13 have this day been concurred in by the Senate, and are herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 59, a bill for an Act entitled, "An Act appropriating money for mileage of certain persons on account of services as presidential electors for the year 1909," having had same under consideration recommends that it do pass.

T. S. KILGALLON.

Report adopted. Bill ordered printed.

Helena, Montana, January 15, 1909.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred H. B. No. 67, a bill for an Act entitled, "An Act to amend Sections 2313, 2315 and 2318, of Part III, Title X, Chapter I, of the

Political Code, relating to the election of Directors in Irrigation Districts," have had the same under consideration and report the same back with the recommendation that it do pass.

WHALEY, Chairman.

On motion report was adopted, and bill ordered printed.

Mr. Speaker:

We, the Committee on House Employees, recommend that Miss Genevieve Haggerty be placed on the rolls from January 13.

WARD, Chairman.

On motion report was adopted.

Helena, Montana, January 14, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities report on House Bill No. 2, introduced by King.

Title: "An Act to prohibit the selling of pools upon race tracks outside the State of Montana, and to prohibit the maintaining of places where pools upon races are bought and sold."

We recommend that this bill be deferred until some future day.

House Bill No. 3, introduced by Gray.

Title: "An Act to amend Section 611 of the Revised Statutes, relating to the use of voting machines."

We recommend this bill do pass as amended.

BURKE, Chairman.

Mr. Speaker:

I hope that report of Committee on House Bill No. 3 be approved, and that House Bill No. 2, be referred back to the Committee on Affairs of Cities.

PIERSON.

Motion carried.

Helena, Montana, January 15, 1909.

Mr. Speaker:

Your Committee on Enrollment begs leave to report that they have presented to the Governor for his signature House Bills Nos. 11, 12 and 13 and hold his receipt for the same.

WOODY, Chairman.

Mr. Speaker:

Your Committee on Printing to whom was referred H. B. No. 25, beg leave to report the same back as correctly printed.

O'DONNELL, Chairman.

House Bill No. 25 placed on general orders.

Helena, Montana, January 15, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 15, being a bill for an Act entitled, "An Act concerning the taxation of real estate encumbered by a mortgage or other evidence of indebtedness," herewith return said bill and respectfully recommend that the same be referred to the Committee on Ways and Means.

DUNCAN, Acting Chairman.

On motion adopted. Bill referred to Printing Committee.

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 21, being a bill for an Act to amend Subdivision 5 of Section 3701 of the Revised Codes of Montana, relating to the taxation of mortgages, herewith return said bill and respectfully recommend that the same be referred to the Committee on Ways and Means.

DUNCAN, Acting Chairman.

On motion adopted. Bill ordered printed.

Mr. Speaker:

Your Committee on Enrollment, to whom was referred H. Bs. Nos. 11, 12 and 13, beg leave to report the same correctly enrolled.

Respectfully,

WOODY, Chairman.

### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second time and referred.

By Duncan: H. B. No. 68, A bill for an Act relative to the construction of dams, dikes and embankments for the purpose of storing water, providing for the inspection thereof by the State Engineer and his expenses with relation thereto, and to provide a penalty for the violations of the provisions of this Act, and to repeal Sections 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150 and 2151 of the Revised Codes of Montana, being Section 3440 to 3453 inclusive of the Political Code of Montana. Referred to Committee on Irrigation and Water Rights.

By Norton: H. B. No. 69, A bill for an Act entitled, "An Act to amend Section 3315, of Article 7, Chapter 3, Part 4, of the Political Code, Revised Codes of Montana, relating to the qualification of police officer by providing for salary of same."

Referred to Committee on Affairs of Cities.

By Norton: H. B. No. 70. A bill for an Act to amend Section 3257, Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana. An Act to amend Section 2357, Article 3, Chapter 3, Title 3, Part 4 of the Political Code. An Act, relating to and defining the duties of City Treasurers.

Referred to Committee on Affairs of Cities.

By Warren (by request): H. B. No. 71, A bill for an Act entitled, "An Act regulating the hours of labor in all State Institutions."

Referred to Committee on Labor.

By Pomeroy: H. B. No. 72, An Act making it a crime for any person, while hunting, to maim, injure or kill, or shoot at, any person or domestic animal, intentionally, or carelessly, or negligently, and without malice, and providing punishment therefor.

Referred to Judiciary Committee.

By A. H. Gray, (by request): H. B. No. 73, An Act entitled, "An Act to amend Section 3418 of the Revised Codes of Montana of 1907, extending the time for payment of installments for city improvements."

Referred to Committee on Affairs of Cities.



By Werner: H. B. No. 74, A bill for an Act entitled, "An Act to declare the twelfth day of February in each year to be a legal holiday, to be known as and designated as Lincoln's Birthday."

Referred to Committee on Education.

By Hall: H. B. No. 75, An Act granting and giving the Council of any incorporated city or town the power to fix and establish reasonable rates and charges for gas, electric or other lights, and electric or other power sold within the its limits.

Referred to Committee on Affairs of Cities.

By Shoemaker: H. B. No. 76, An Act to provide for an examination by the Commissioner of Insurance of all insurance companies, including surety companies, organized under the laws of this State or organized under the laws of any other State, or Territory, or Foreign Country, and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examinations and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907.

Referred to Committee on Insurance.

By Gray: An Act entitled, "An Act providing for the corporal punishment of wife beaters and vagrants."

Referred to Judiciary.

By Coit: H. B. No. 78. An Act to amend Sections 8474 and 8475 of the Revised Codes of Montana of 1907, making it unlawful to herd or drive livestock upon another's land, providing penalties therefor, and to give a right of action for damages.

Referred to Committee on Livestock and Public Ranges.

By Lehrkind: H. B. No. 79, A bill for an Act to amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907, relating to licenses of Insurance Companies and Agents.

Referred to Committee on Insurance.

By Lehrkind: H. B. No. 80, A bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance, ex-officio, and to provide for the appointment of a Deputy State Auditor who shall be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary.

Referred to Committee on Insurance.

Norton moved that when the House adjourned, it adjourn until 2.30 P. M. Monday January 18th.

On motion of Pierson, House resolved itself into Committee of the Whole.

Hammond in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole made the following report:

Helena, Montana, January 16, 1909.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 25 beg leave to report as follows: that after the enacting clause is



inserted the bill do pass as amended.

HAMMOND.

Chairman Committee of the Whole.

Report adopted, and H. B. No. 25 ordered engrossed.

On motion House adjourned until 2:30 P. M., Monday, January 18, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

## Fifteenth Day.

Helena, Montana, January 18, 1909.

House met pursuant to adjournment at 2:30 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call, all present except Butzerin, Byrnes, Connelly, Duncan, Frank, Gibson, Groff and Hanifen.

Journal read and approved.

Pierson presented a petition from Carbon County in reference to change in game law, petition referred to Committee on Fish and Game.

MacGinniss of Silver Bow appeared at the bar of the House, presented his certificate and was duly sworn in by Mr. Speaker.

### NOTICES OF INTRODUCTION OF BILLS.

By Pierson: A bill for an Act entitled, "An Act to provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county of residence of such Judge."

By Pierson: A bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State."

By Maxwell: A bill for an Act entitled, "An Act to provide for fire drills in the schools of the State."

By Smith: A bill for an Act to amend Section 8336 Revised Statutes of 1907, relating to the definition of the crime of rape.

By Smith: A bill for an Act to amend Section 4882 Revised Statutes of 1907, relating to compensation of Water Commissioner.

By Gray, (by request): A bill for an Act entitled, "An Act to provide for the ownership and disposal of certain church properties."

By Gray (by request): A bill for an Act, entitled, "An Act to amend Section 3812 Revised Statutes, relating to the power of corporations to change corporate names.

By Burke: A bill for an Act to amend Section 2746 Revised Codes of Montana 1907, relating to licenses.

By Burke: A bill for an Act making it the duty of the sheriff of each county to visit in January and July of each year, every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commissioners and to State Examiner.

By Kilgallon: A bill for an Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the two years expiring March 1, 1909"

By Kilgallon: A bill for an Act entitled, "An Act to prevent the assignment of wages earned or to be earned in the future; and to secure boarding house keepers, lodging house keepers and merchants, for necessities furnished.

By King: A bill for an Act entitled, "To punish book-making and pool selling and making bets and wagers by unlicensed persons, to provide for the issuance of license for such business and provide for collection of fees for such licenses."

By Smith: A bill for an Act to amend Sections 8393, 8394, 8395 and 8396, Revised Statutes 1907, relating to indecent exposures, exhibitions and pictures.

By King: A bill for an Act entitled, "An Act to amend Section 1134 of the Revised Codes of the State of Montana; and to provide for the care, custody and control of insane persons and persons addicted to the use of opium, morphine, cocaine or any other form of deleterious drug."

By Crouch: A bill for an Act entitled, "An Act to empower cities to fix the rates of fair that may be charged by street car companies.

Helena, Montana, January 18, 1909.

Mr. Speaker:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce

#### HOUSE JOINT MEMORIAL.

declaring it to be the sense of the Eleventh Legislative Assembly of the State of Montana that the State Board of Equalization shall fix the assessed valuation of the franchises, road-ways, road-beds, rails and rolling stock of all railroads operated in more than one county in this State at fifty per cent more than the assessed valuation fixed by said Board of Equalization for the year 1908.

D. D. BOGART.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Irrigation and Water Rights to whom was referred H. B. No. 37, introduced by Berkin, "An Act to require paddle wheels or screens to be placed in ditches, canals, or other artificial means used to divert water", respectfully return the same to the House, in accordance with the House orders for reference of same.

WHALEY, Chairman.

Report received.

Mr. Speaker:

The Committee on Military Affairs, to whom was referred House Bill No. 36, respectfully report that having had said bill under consideration recommend that said bill do pass.

COIT, Chairman.

On motion report adopted and bill ordered printed.

Helena, Montana, January 15, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 42, a bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the Chaplain of the Soldiers' Home," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted, and bill referred to Printing Committee.

Helena, Montana, January 18, 1909.

Mr. Speaker:

Your Committee on House Employees recommends that Mr. Will O'Connell be placed on the pay rolls, as janitor, including January 6th; also Agnes McDonald from January 5th, as postmaster.

WARD, Chairman.

On motion of Pierson, adopted.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 3, 28, 67, 59, correctly printed.

O'DONNELL, Chairman.

Report read. Bills placed on general orders.

### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second time and referred.

H. B. No. 81: By Witmer, A bill for an Act to amend Sections 2054 and 2055, of the Revised Codes of Montana of 1907, relating to the term of contracts for the care, support and maintenance of the sick, poor and infirm of the county.

Referred to Judiciary Committee.

H. B. No. 82: By Hutchinson, A bill for an Act entitled, "An Act to amend Sections 8871, 8872, 8873 and 8874 of the Revised Codes of the State of Montana, 1907, relating to the destruction of noxious weeds and fixing a penalty for the violation thereof."

Referred to Committee on Livestock and Public Ranges.

H. B. No. 83: By Pierson, A bill for an Act entitled, "An Act to amend Sections 1889, 1890 and 1891, relating to the powers of the State Livestock Sanitary Board, authorizing the slaughter of diseased animals, or animals exposed to disease; and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851 and 1853 of the Revised Codes of Montana."

Referred to Committee on Sanitary Affairs.

H. B. No. 84: By Gray, A bill for an Act entitled, "An Act to amend Sections 1358 and 1359, Revised Statutes of Montana of 1907, regarding Road Supervisors."

Referred to Committee on Highways.

H. B. No. 85, by Gray: A bill for an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana of 1907." Defining legal fences.

Referred to Judiciary Committee.

H. B. No. 86, by Thompson: A bill for an Act to provide for the establishing of grades for streets in unincorporated towns, and to pay the expenses thereof.

Referred to Judiciary Committee.

H. B. No. 87, by Kelsey: A bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claim of a certain person."

Read a first time by title, a second time at length, and referred to Committee on Appropriations.

By Bogart: A HOUSE JOINT MEMORIAL. Declaring it to be the sense of the Eleventh Legislative Assembly of the State of Montana that the State Board of Equilization shall fix the assessed valuation of the franchises, road-ways, road-beds, rails and rolling stock of all railroads operated in more than one county in this State at fifty per cent more than the assessed valuation fixed by said Board of Equilization for the year 1908.

Concurrent Resolution No. 1, was introduced by Committee of Federal Relations, read first and second time and ordered printed.

#### MESSAGES FROM THE GOVERNOR.

The following message was received, read and accompanying papers referred to Committee on Conservation of Resources:

January 18, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to transmit herewith the joint report of the Forestry and Land Commissions, for your information and consideration. The Commissions were appointed in compliance with the recommendations of the Conference of Governors, convened at the White House during May last, upon the invitation of the President.

The purpose of the appointment of the Commissions was to suggest means for the conservation of the timber resources and laws for the better administration of the State Lands.

The members of the Commissions signing the report have given most careful thought and devoted considerable time to the preparation of the suggestions submitted to you.

In appointing the members of the two Commissions, the statement was made that there was no law authorizing the appointment or providing compensation for services, but that the Legislative Assembly would be asked to make an appropriation for expenses necessarily incurred. The members have declined to accept any allowance for expenses, and desire to contribute their time and services to the State as patriotic duty.

The valuable services rendered and the high sense of public duty shown are fully appreciated by me, and a resolution of thanks on the part of the Legislative Assembly would seem proper.

I realize the necessity for a speedy adoption of a broad and comprehensive policy for the conservation of all of our natural resources. It is one of the important, if not the most important, questions of the age.

The policies here suggested as to forests and lands are but a part of a general policy that should comprehend all resources.

Later, specific suggestions may be made for the conservation of other of our resources.

I commend the report herewith submitted to your most careful consideration, expressing the hope that your action be favorable.

EDWIN L. NORRIS, Governor.

January 15, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved the following bills

H. B. 11: Appropriating moneys for the payment of per diem of officers attaches of the Eleventh Legislative Assembly.

H. B. 12: Appropriation for the incidental expenses of the Eleventh Legislative Assembly.

H. B. 13: Appropriation for the payment of mileage and per diem of members of the Eleventh Legislative Assembly.

EDWIN L. NORRIS, Governor.

Mr. Speaker:

On account of the work which I already have, through the regular Committees of the House, I hereby request you to excuse me from acting on the Special Committee to investigate the Land Office.

SHOEMAKER.

Mr. Speaker relieved Shoemaker and appointed Harbert to take his place.

#### RESOLUTIONS.

Mr. Speaker:

Inquiry comes from the "Valley of the Ever Shining Sun" which moves the chairman of the Committee on Development and Publicity to offer the following resolution: "Resolved, that the Speaker appoint a committee of three to ascertain by what manner of means the Bureaus of Development and Publicity of Canada, Spokane and Seattle succeed in interesting so large a number of people in the State of Montana in the resources of those sections and finally secure them as settlers. How is it done? Said committee to report to the Committee on Publicity."

CHRISTLER.

Resolution adopted and Mr. Speaker announced that he would appoint committee later.

On motion of Norton, House adjourned until 2 P. M., January 19, 1909.

Attest: CHAS. Z. POND, Chief Clerk.



## Sixteenth Day.

Helena, Montana, January 19, 1909.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll called. All present except Connelly, Frank and Shoemaker.

### NOTICES OF INTRODUCTION OF BILLS.

By Cummings of Chouteau: A bill for an Act to amend Sections 220, 221 and 222 and repeal Section 224 of Chapter 2 of Article 5 of the Political Code of the State of Montana, relating to the compensation of members, officers and employees of the Legislative Assembly.

By Kilgallon: A bill for an Act entitled "An Act appropriating the sum of \$2,500.00 to aid in the establishing, maintaining and stocking of a Bison Range within the limits of the State of Montana."

By Butzerin: A bill for an Act providing for the appointment of a commission, making an appropriation, and providing for the exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in the year 1909.

By Smith: A bill for an Act entitled "An Act to amend Section 1484 and Section 1488 of the Revised Statutes 1907, of the State of Montana, relative to the appointment and duties of Boards of Health."

By Pomeroy: A bill for an Act entitled "An Act prohibiting persons from representing themselves as members of any profession for which a license or certificate to practice the same is required by the laws of this State."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public fees erroneously collected."

By Giovanetti: A bill for an Act entitled, "An Act appropriating money for the purchase and equipment of dormitory, boarding place and gymnasium to be the property of the Montana State School of Mines at Butte, Montana."

By Gray: A bill for an Act entitled, "An Act regarding mile posts on public highways."

By Gray: A bill for an Act entitled, "An Act to regulate the travel of traction engines on public highways."

By Gray: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9, Article 12, of the Constitution of the State of Montana, relating to revenue and taxation."

By Clayberg: A bill for an Act entitled, "An Act to amend Section 3850 of the Revised Codes of Montana, relating to annual reports and statements of corporations."

By MacGinniss: A bill for an Act entitled, "An Act to regulate the practice of the Profession of Public Accounting."

By Berkin: A bill for an Act entitled: An Act authorizing persons



who are the owners, lessees, or who otherwise control the land surrounding any lake or pond in the State of Montana, and who have established Fish Hatcheries on the shores of such lake or pond, to catch fish therein and sell or offer for sale the same, and to be allowed to ship the same out of the State."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims account requisitions."

By Kilgallon: A bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

By Cluston: A bill for an Act providing for the management, control and sale of State Lands.

#### NOTICES FROM THE SENATE.

January 18th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred.

By Donlan: S. B. No. 38, A bill for an Act entitled, "An Act to amend Sections 3259, 3278, 3285, 3288 and 3289 of Article 4, Chapter 3, Title 3, Part 4 of the Political Code of Montana of the compilation of 1907."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Cockrell: S. B. No. 39, A bill for an Act entitled, "An Act to provide for the appointment of a State Board of Veterinary Medical Examiners, describing their duties and powers and regulating the practice of veterinary medicine within the State of Montana."

Referred to Committee on Stockgrowing and Grazing.

Respectfully,

NATHAN GODFREY, Secretary.

January 19th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was introduced, read first and second time and referred:

By McCone: S. B. No. 40, A bill for an Act entitled, "An Act amending Section 5762 of the Revised Codes of Montana of 1907, relating to Chattel Mortgages."

Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY, Secretary.

The following notices of introduction of bills were given:

By Albright: A bill for an Act authorizing the State Auditor to issue duplicate warrants for the original warrant has been lost or destroyed.

January 18, 1909.

By McCone: A bill for an Act entitled, "An Act amending Section

5762 of the Revised Statutes of the State of Montana, relating to Chattel Mortgages."

By Haviland: A bill for an Act concerning convicts under sentence of death.

By Sykes: A bill for an Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Codes covering regulations of the practice of medicine and examination of applicants.

Respectfully,

NATHAN GODFREY, Secretary.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. B. No. 25 correctly engrossed.

WARREN, Chairman.

#### MOTIONS AND RESOLUTIONS.

January 19, 1909.

Mr. Speaker:

I move to make H. B. 67 a Special Order immediately after a Third Reading of Senate Bills.

WHALEY.

Motion adopted.

January 18, 1909.

Mr. Speaker:

I move that a Special Committee of three be appointed by you to procure a supply of engraved or embossed writing paper of good quality and in sufficient quantity for the use of the House Members and Committees of the House.

EDGERTON.

#### INTRODUCTION AND READING OF BILLS.

The following bills were introduced, read first and second time and referred:

H. B. No. 88, by Burke: A bill for an Act making it the duty of the sheriff of each county to visit in January and July of each year every place within his county, required by law to have a liquor license, to ascertain if the license law is being violated; to inspect and list licenses and report to the Board of County Commissioners, and to State Examiner.

Referred to Judiciary Committee.

H. B. No. 89, by Kilgallon: A bill for an Act entitled, "An Act to prevent the assignment of wages earned or to be earned in the future, and to secure boarding house keepers, lodging house keepers and merchants for necessities furnished."

Referred to Judiciary Committee.

H. B. No. 90, by Kilgallon: A bill for an Act to appropriate \$31,000 for the payment of the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the two years expiring March 1, 1909.

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 91, by Pierson: A bill for an Act to provide for the payment of the actual necessary expenses of the Judges of the District Court when holding Court in his District in any county not the county of residence of such Judge.

Referred to Judiciary Committee.

H. B. No. 92, by Gray: A bill for an Act entitled, "An Act to provide for State Inspection and for the inspection of scales used in the weighing thereof, creating the office of Grain Inspector."

Referred to Agriculture Committee.

H. B. No. 93, by Gray (by request): A bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of Montana, relating to the power of Corporations to change the corporate name."

Referred to the Committee on Corporations Other Than Municipal.

H. B. No. 94, by Pierson: A bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State."

Referred to Judiciary Committee.

H. B. No. 95, by Clayberg: A bill for an Act entitled, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue."

Referred to Judiciary Committee.

H. B. No. 96, by Byrnes: An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library and provide for the maintenance thereof.

Referred to Committee on Libraries.

H. B. No. 97, by Maxwell: A bill for an Act to provide for Fire Drills in the schools of the State.

Referred to Committee on Education.

H. B. No. 98, by Smith: A bill for an Act entitled, "An Act to amend Sections 8393, 8394, 8395 and 8396 of the Revised Statutes of the State of Montana, 1907, relating to indecent exposures, exhibitions and pictures, authorizing the seizing of such articles and their destruction."

Referred to Education Committee.

H. B. No. 99, by Smith: A bill for an Act entitled, "An Act to amend Section 8336 of the Revised Statutes of the State of Montana, 1907, relating to the definition of the crime of rape."

Referred to Judiciary Committee.

H. B. No. 100, by Safley: A bill for an Act relating to the qualification of teachers and registration of certificates and to amend Section 901 Revised Codes of Montana, of 1907, relating to certificates of qualifications of teachers, and to amend Section 908 of the Revised Codes of Montana, 1907, relating to the qualification of teachers.

Referred to Committee on Education.

H. B. No. 101, by Crouch (by request): A bill for an Act entitled, "An Act to empower cities and municipal corporations to regulate the rates of the fares that may be charged by street car companies, hack companies, cab companies, and individuals engaged in the transportation

of passengers; and empowering such cities and municipal corporations to fix a schedule of services, and character of cars required upon street car lines."

Referred to Committee on Affairs of Cities.

H. B. No. 102, by King: A bill for an Act entitled, "An Act to punish book-making and pool-selling, and making of bets and wagers by unlicensed persons, to provide for the issuance of licenses for such business and to provide fees for such licenses."

Referred to Committee on Affairs of Cities.

H. B. No. 103, by King: A bill for an Act entitled, "An Act to amend Section 1134 of the Revised Codes of Montana; and to provide for the care, custody and control of insane persons and persons addicted to the use of deleterious drugs."

Referred to Committee on State Institutions.

### THIRD READING OF HOUSE BILLS.

House Bill 25 read third time and passed by the following vote:

Ayes.—Allen, Bogart, Brewster, Arnett, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Ward, Wood, Smith, Thompson, Swick, Warren, Whaley, Werner, White, Wilham, Witmer, Woody, Mr. Speaker. 67.

Absent and not voting: Coit, Crutchfield, Frank, Shoemaker—4.

Total—71.

On motion of Brewster, House resolved itself into Committee of the Whole.

Burke in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Report of Committee of the Whole:

Helena, Montana, January 19, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bills Nos. 67, 28, 59, and 3, beg leave to report as follows:

Having had under consideration H. B. No. 67, beg leave to recommend that same do pass as amended.

House Bills Nos. 28 and 59 do pass.

BURKE.

On motion report adopted.

On motion of Pierson, the House again resolved itself into Committee of the Whole.

Pierson in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 3, a bill for an Act entitled, "An Act to amend Section 611 of the Revised Statutes, relating to the use of voting machines," beg leave to report having had same under consideration and recommend that H. B. No. 3 do pass as amended.

PIERSON.

Report adopted and bill ordered engrossed.

The Committee to ascertain how the Publicity Bureaus of Canada, Spokane and Seattle secure settlers from the State of Montana, as per yesterday's resolution Christler, Ward, Norton.

Said Committee to report to Development and Publicity Committee as soon as possible.

Helena, Montana, January 19, 1909.

To the Honorable Members of the House of Representatives:

We herewith regret the serious illness of Honorable P. J. Daly, Senator of Deer Lodge County, and herewith extend to his family condolence and hope of his speedy recovery.

BURKE.

Resolution unanimously adopted.

On motion of Bogart, House adjourned until 10.30 tomorrow, January 20, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

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## Seventeenth Day.

Helena, Montana, January 20, 1909.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called, all present except Clayberg, Crutchfield and Frank.

Journal of the previous day read and approved.

### COMMUNICATIONS.

Librarian's Office, January 12, 1909.

To the House of Representatives of the State of Montana:

Gentlemen.—In accordance with the practice for years, as a matter of valuable historical record, the Historical Library desires to secure a group picture of the members of the House of Representatives of the Eleventh State Legislature. The members are therefore requested to go to Taylor's studio, on Main street, for a sitting. No expense will be incurred, or obligation to buy assumed. It is hoped this can be attended to soon.

Yours respectfully,

MR. S. BELL, Librarian.

Mr. Speaker:

I wish to tender my resignation as a member of the State Lands Investigation Committee. Communication from my home indicates that

I will in all probability be called away for several days, consequently I cannot fill the capacity of my duties on this Committee.

MITCHELL.

Resignation accepted, and McCoy appointed in the place.

### NOTICE OF INTRODUCTION OF BILLS.

January 20th, 1909.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges hereby give notice that it will on tomorrow, or some subsequent day, introduce a bill for an Act entitled, "An Act making appropriations for the protection of the livestock industry in the State of Montana, and to defray the expenses incurred therefor for the fiscal years ending November 30, 1909, and November 30, 1910."

CROUCH, Chairman.

By Roy: A bill for an Act to amend Section 882 of the Revised Codes of Montana of 1907, relating to the letting of contracts by school trustees.

By Burke: A bill for an Act to provide an independent water supply for the State Capitol Building and grounds.

By Kelsey: A bill for an Act to amend Section 1815 of the Revised Codes of Montana of 1907, relating to the record of horses and other livestock sold at public markets.

By Byrnes: A bill for an Act entitled, "An Act to provide for payment of all liens and claims against the grand stand of the Montana State Fair."

### REPORTS OF STANDING COMMITTEES.

January 20, 1909.

Mr. Speaker:

Your Committee on House Employees recommends that Miss Thompson and Miss Lottie Smith be employed.

WARD, Chairman.

On motion adopted.

Helena, Montana, January 18, 1909.

Mr. Speaker:

We, your Committee on House Employees, recommend the regrouping of Committee Clerks as follows:

Banks and Banking, Privileges and Elections, Education, Internal Improvements, Military Affairs—One clerk.

Mines and Mining, Agriculture, Horticulture, Mileage and Per Diem, Apportionment and Representation—One clerk.

Townships and Counties, Development and Publicity, Dairying, Libraries—One clerk.

Improvements and Manufacturing, Conservation of Resources, Insurance, Sanitary Affairs—One clerk.

Irrigation and Water Rights, Waterways and Navigation, State Boards and Officers, Railroads and Transportation—One clerk.

State Lands, Labor, Fish and Game, Federal Relations—One clerk.

State Institutions, Rules, Joint Rules and Order of Business, Highways, Fairs and Expositions—One clerk.



Corporations Other Than Municipal, Live Stock and Public Ranges,  
House Employees, Affairs of Cities—One clerk.

Engrossing—Three clerks.

Enrolling—Three clerks.

Printing—Three clerks.

WARD, Chairman.

Report adopted.

January 20, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 46, being a bill for an Act entitled, "An Act to provide for notice to be given to persons of the time and place of the hearing to judge such persons insane or incompetent," after having had the same under consideration, respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

Helena, Montana, January 20, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 56, being a bill for an Act entitled, "An Act amending Section 8339, Part I, Title IX, Chapter 1, Penal Code of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of rape," after having had same under consideration, hereby respectfully recommend that the same do pass.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 47, being a bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof and prescribing limitations of time in which such proceedings may be instituted," after having had the same under consideration, hereby respectfully recommend that the same do pass.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 50, being a bill for an Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of the District Courts, their duties, qualifications and compensations, after having had the same under consideration, hereby respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Moved that report be adopted.

Moved as a substitute that bill be ordered printed.

Substitute carried.

Mr. Speaker:

We, a minority of the Judiciary Committee, having had under consideration House Bill No. 50, relating to Court Reporters, recommend that the same do pass.

WOODY,  
CLAYBERG,  
WOODS.

Minority of Judiciary Committee.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 33, being a bill for an Act entitled, "An Act to amend Sections 6342 and 6343, Revised Codes of Montana, 1907, relating to the selecting and returning of jurors," after having had the same under consideration, respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 41, being a bill for an Act entitled, "An Act relating to the commencement of actions to set aside sales of property for delinquent taxes, to cancel or annul tax deeds and to recover property sold for delinquent taxes," after having had the same under consideration, respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 57, being a bill for an Act entitled, "An Act amending Section 8642, Part 1, Title 8, Chapter 5, Penal Code of the Revised Codes of Montana, 1907, relating to Larceny," after having had the same under consideration, respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 35, being a bill for an Act to secure liens to mechanics, laborers, horse-shoers, and wagon builders and repairers, after having had the same under consideration, respectfully recommend that the same be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 61, being a bill for an Act entitled, "An Act to amend Sections 2054 and 2055 of the Revised Codes of Montana of 1907, relating to the term of contracts for the care, support and maintenance of the sick,

poor and infirm of the county," after having had the same under consideration, respectfully recommend that the same be indefinitely postponed, for the reason that the same is covered by H. B. 40, recommended for passage.

Report adopted.

DUNCAN, Chairman.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 38, being a bill for an Act amending Sections 4872 and 4873 of the Revised Codes of Montana, 1907, and being Sections 4 and 5 of Chapter 185 of the Session Laws of 1907, approved March 9th, 1907, relating to the appropriation of water, and providing the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines," respectfully report the same back to the House, with the following amendments:

Amend Section 2, Line 1, in 4th paragraph, by striking out between the words "in" and "newspaper," the word "such," and inserting in lieu thereof the word "some."

We further recommend that the said bill as amended do pass.

WHALEY, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 40, being a bill for an Act to amend Sections 2054 and 2055, of the Revised Codes of Montana of 1907, relating to the letting of contracts by County Commissioners for the care, support and maintenance of the county poor, after having had the same under consideration, hereby respectfully recommend that the same do pass.

DUNCAN, Chairman.

On motion, report adopted.

Mr. Speaker:

Your Committee on Highways, to whom was referred H. B. No. 65, introduced by Garber, being a bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish regulations therefor," beg leave to report the same back to the House with the following recommendations: Mr. Garber moved that the following amendments be made. In Section 4, line 3, that the word "toll" be stricken out and the word "any" be inserted in lieu thereof.

Mr. Garber also moved that the bill be favorably approved and referred to the House, which motion was seconded by Berkin and passed.

Your Committee respectfully recommend that when said bill be so amended it do pass.

DOWLING, Chairman.

On motion report adopted, and bill referred to Printing Committee.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 36, 42, and concurrent Resolution, correctly printed.

O'DONNELL, Chairman.

## INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were today introduced, read first and second time and referred

H. B. No. 104, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public Fees, erroneously collected." Read first time by title, second time at length and referred to Committee on Appropriation.

H. B. No. 105, by Kilgallon: A bill for an Act entitled: "An Act appropriating the sum of Twenty-five Hundred Dollars, to aid in the Establishing, Maintaining and stocking of a Bison Range within the limits of the State of Montana."

Read first time by title, second time at length, and referred to the Committee on Appropriations.

H. B. No. 106, introduced by the Committee on Appropriations: A bill for Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions."

Read first time by title, second time at length, and referred to the Committee on Appropriations.

H. B. No. 107, by Committee on Appropriations: A bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

Read first time by title, second time at length, and referred to the Committee on Appropriations.

H. B. No. 108, by Berkin (by request): A bill for an Act entitled, "An Act authorizing persons who are owners, lessees, or who otherwise control the land surrounding any lake or pond in the State of Montana, and who have established fish hatcheries on the shores of such lake or pond, to catch fish therein, and to sell or offer for sale the same, and to ship the same out of the State."

Read first and second time by title, and referred to Committee on Fish and Game.

H. B. No. 109, by Giovanetti: An Act entitled, "An Act appropriating money for the purchase and equipment of a dormitory, Boarding Place and Gymnasium to be the property of the Montana School of Mines, at Butte, Montana."

Read first time by title, second time at length, and referred to the Committee on Appropriations.

H. B. No. 110, by Burke: A bill for an Act to amend Section 2746, Revised Codes of Montana, 1907, relating to licenses.

Read first and second time by title and referred to Judiciary Committee.

H. B. No. 111, by Pomeroy: A bill for an Act prohibiting persons from representing themselves as members of any profession for which a license or certificate to practice the same is required by the laws of this State.

Read first and second time by title and referred to Judiciary Committee.

H. B. No. 112, by Butzerin: A bill for an Act providing for the

appointment of a Commission, making an appropriation, and providing for the exhibition of the Arts, Industries, Manufactures and Products of the Soil, Ranges, Mines and Forests of the State of Montana at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in the year 1909.

Read first time by title, second time at length, and referred to the Committee on Appropriations.

H. B. No. 113, by Cummings of Chouteau: A bill for an Act to amend Sections 220, 221 and 222 and repeal Section 224, of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of Members, Officers and Employees of the Legislative Assembly.

Read first and second time by title and referred to Judiciary Committee.

H. B. No. 114, by Gray (by request): A bill for an Act entitled, "An Act relating to the ownership and disposal of the Property of Baptist Churches and Societies, which have become extinct, or for any reason have ceased to maintain religious worship or services continuously for a period of two years."

Read first and second time by title and referred to Judiciary Committee.

H. B. No. 115, by MacGinniss: A bill for an Act entitled "An Act to regulate the practice of the profession of Public Accounting."

Read first and second time by title and referred to Judiciary Committee.

H. B. No. 116, by Smith: A bill for an Act entitled, "An Act to amend Section 4882, Revised Statutes, 1907, relating to the compensation of Water Commissioners."

Read first and second time by title and referred to Judiciary Committee.

Pierson moved that when House adjourn it adjourn until 10:30 tomorrow, amended by Gray that it be until 10 A. M.

Amendment carried.

#### MESSAGE FROM THE GOVERNOR.

The following message was received and read:

January 20, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

Section 10 of Article VII of the Constitution provides that the Governor shall present to the Legislative Assembly estimates of the amount of money required to be raised by taxation for all purposes of the State. In accordance with that provision, and for your information, I herewith submit estimates of the amount of revenue available and the sums necessary to defray the expenses of the State Government for the next two years. The elective State officers have estimated the expenses of their respective offices.

The total revenue exceeds the total expenses in the sum of Twenty-five Thousand Six Hundred and Nineteen and 20-100 Dollars.

When my message to the Joint Assembly was prepared, only general estimates had been made, and the details now submitted strongly emphasize the necessity then pointed out for the most careful consideration of appropriations. In making estimates of the revenue available I have used as a basis for taxation purposes an assessed valuation of Two Hundred and Ninety Million Dollars for 1909, and Three Hundred and Ten Million Dollars for 1910. Any increase in the assessed valuation would ordinarily make a corresponding increase in the revenues. A material increase this year would, however, make the assessed valuation exceed Three Hundred Million Dollars and would result in a decrease of the revenue to the amount of at least Two Hundred and Fifty Thousand Dollars. This would be caused by the decrease in the tax rate from Two and One-half Mills to One and One-half Mills. This contingency is possible and you should have it in mind in making appropriations.

I have included in my calculations the income from the land grants of the educational institutions for the next two years. These funds have not heretofore been available. I have taken it for granted that a law will be enacted providing for the use of these funds for the maintenance of the respective institutions, thereby relieving the general fund of burdens to that extent.

The total sum paid out by the State cannot exceed the income. I trust that you will carefully guard appropriations and not permit them to be in excess of the income.

I respectfully recommend that no special appropriations, other than for deficiency claims, be made by you until the general appropriation bills shall have been passed. By so doing, you will be able in advance to know just how much money, if any, is available for special appropriations.

You will doubtless have for consideration many bills calling for expenditures other than herein estimated. In my judgment such expenditures must be limited to the sum of Twenty-five Thousand Six Hundred and Nineteen and Twenty-one Hundredths Dollars.

EDWIN L. NORRIS, Governor.

#### ESTIMATED REVENUE AND EXPENSE FOR 1909-1910.

##### Executive Department.

Estimated Expense—	1909.	1910.
For the Office of Governor:		
Salary of Governor .....	\$ 5,000.00	\$ 5,000.00
Salary of Governor's Secretary.....	2,400.00	2,400.00
Salary of stenographer.....	1,500.00	1,500.00
Office and traveling expenses.....	1,250.00	1,250.00
For the Office of Secretary of State:		
Salary of Secretary of State.....	3,000.00	3,000.00
Salary of deputy.....	1,800.00	1,800.00
Salary of Stenographer .....	1,500.00	1,500.00
Extra clerical hire.....	700.00	300.00
Office expense .....	1,500.00	1,500.00



Postage and expressage on Session Laws....	200.00	.....
Additional vault room and fixtures.....	3,000.00	.....
For the Office of State Treasurer:		
Salary of Treasurer.....	3,000.00	3,000.00
Salary of deputy.....	2,100.00	2,100.00
Salary of clerk.....	1,800.00	1,800.00
Office expenses and extra clerical hire .....	650.00	650.00
Salary of stenographer.....	1,200.00	1,200.00
For the Office of State Auditor:		
Salary of Auditor.....	3,000.00	3,000.00
Salary of deputy.....	2,100.00	2,100.00
Salary of stenographer.....	1,300.00	1,300.00
Salary of bookkeeper.....	1,200.00	1,200.00
Salary of insurance clerk .....	1,800.00	1,800.00
Office expenses and extra clerical hire.....	2,000.00	2,000.00
For the Office of Attorney General:		
Salary of Attorney General.....	3,000.00	3,000.00
Salary of first assistant.....	2,500.00	2,500.00
Salary of second assistant.....	2,500.00	2,500.00
Salary of third assistant.....	2,500.00	2,500.00
Salary of law clerk.....	1,800.00	1,800.00
Salary of stenographer.....	1,200.00	1,200.00
Office and traveling expenses.....	1,800.00	1,800.00
For the Office of Superintendent of Public Instruction:		
Salary of Superintendent.....	3,000.00	3,000.00
Salary of deputy.....	1,800.00	1,800.00
Salary of clerk.....	1,200.00	1,200.00
Salary of stenographer.....	1,200.00	1,200.00
Office and traveling expenses.....	2,000.00	2,000.00
For the State Railroad Commission:		
Salaries and expenses.....	30,000.00	30,000.00
For the Office of State Examiner:		
Salary of Examiner .....	2,500.00	2,500.00
Salary of assistantt .....	2,100.00	2,100.00
Salary of deputy .....	1,500.00	1,500.00
Salary of stenographer .....	1,200.00	1,200.00
Office and traveling expenses .....	3,000.00	3,500.00
For the Office of State Veterinary Surgeon:		
Salary of Veterinary Surgeon .....	3,000.00	3,000.00
Salary of deputy .....	1,800.00	1,800.00
Salary of clerk .....	1,200.00	1,200.00
Office and traveling expenses of Veterinary Surgeon .....	2,000.00	2,000.00
Of traveling expenses of deputy .....	1,500.00	1,500.00
For the Bureau of Agriculture, Labor and Industry:		
Salary of Commissioner .....	2,500.00	2,500.00
Salary of chief clerk .....	1,800.00	1,800.00
Office and traveling expenses .....	2,000.00	2,000.00

For the Office of State Boiler Inspector:		
Salary of Inspector .....	2,500.00	2,500.00
Salary of deputy .....	1,800.00	1,800.00
Salary of deputy .....	1,800.00	1,800.00
Salary of clerk .....	1,500.00	1,500.00
Office and traveling expenses .....	4,000.00	4,000.00
For the Office of Inspector of Mines:		
Salary of Inspector .....	2,500.00	2,500.00
Salary of deputy .....	1,800.00	1,800.00
Office and traveling expenses .....	2,000.00	2,000.00
For the Office of Inspector of Coal Mines:		
Salary of Inspector .....	2,500.00	2,500.00
Office and traveling expenses .....	1,500.00	1,500.00
For the Office of Adjutant General:		
Salary of Adjutant General .....	1,200.00	1,200.00
Office and traveling expenses .....	500.00	500.00
For the State Board of Education:		
Traveling expenses .....	1,500.00	1,500.00
For the Office of Consolidated Boards:		
Salary of clerk .....	1,800.00	1,800.00
Office expenses .....	300.00	300.00
Extra clerical hire .....	200.00	200.00
Traveling expenses of members of the Board.	1,500.00	1,500.00
For the State Law Library:		
Salary of Librarian .....	2,000.00	2,000.00
Expenses .....	800.00	800.00
For purchase of books .....	2,500.00	1,500.00
For the State Historical Library:		
Salary of Librarian .....	1,800.00	1,800.00
Salary of first assistant .....	1,200.00	1,200.00
Salary of second assistant .....	900.00	900.00
Expenses .....	3,000.00	3,500.00
Extra clerical hire, legislative reference department .....		600.00
For the State Board of Horticulture:		
Salary of Secretary .....	1,000.00	1,000.00
Expenses .....	4,500.00	5,000.00
For the Farmers' Institute:		
Expenses .....	9,000.00	9,000.00
For the State Board of Examiners:		
Salary of clerk .....	1,800.00	1,800.00
Office expenses .....	150.00	150.00
Extra clerical hire .....	200.00	200.00
Traveling expenses of members of the Board	1,500.00	1,500.00
Salary and expenses of traveling representative of the Board .....	3,000.00	3,000.00
For the State Board of Health		
Salary of Secretary .....	3,000.00	3,000.00
Salary of clerk .....	1,200.00	1,200.00

Expenses .....	3,000.00	3,000.00
For the State Board of Charities and Reform:		
Expenses .....	300.00	300.00
For the Bureau of Child and Animal Protection:		
Salary of Secretary .....	1,800.00	1,800.00
Salary of first assistant .....	1,500.00	1,500.00
Salary of second assistant .....	1,500.00	1,500.00
Salary of stenographer .....	900.00	900.00
Office and traveling expenses .....	1,800.00	1,800.00
For the State Fair Association:		
Maintenance .....	10,000.00	10,000.00
Salary of secretary .....	1,200.00	1,200.00
For the Office of State Engineer:		
Salary of Engineer .....	2,500.00	2,500.00
Field and office expenses .....	1,000.00	1,000.00
For transportation of prisoners .....	6,500.00	7,000.00
For public printing .....	20,000.00	20,000.00
Capitol building and ground, maintenance and care	25,000.00	25,000.00
For rewards offered by Governor .....	1,500.00	1,500.00
For requisitions .....	3,000.00	3,000.00
State Entomologist, expense of .....	500.00	500.00
National Guard, maintenance of .....	7,500.00	8,000.00
For contingent expenses to be authorized by State		
Board of Examiners .....	5,000.00	5,000.00
For salary of Acting Governor .....	1,000.00	1,000.00
For sheep inspection and indemnity fund .....	10,000.00	10,000.00
For stock inspector and detective fund .....	10,000.00	20,000.00
For compensation of Presidential Electors .....	130.00	
	<hr/>	<hr/>
	\$304,580.80	\$312,950.00

**Judicial Department.**

Supreme Court:		
Salaries of three Justices .....	\$16,600.00	\$16,000.00
Salary of clerk .....	2,500.00	2,500.00
Salary of stenographer .....	1,800.00	1,800.00
Salaries of Justices for reporting decisions...	4,500.00	4,500.00
Salary of marshal .....	1,200.00	1,200.00
Salary of attendant .....	1,200.00	1,200.00
Expenses of clerk .....	500.00	500.00
Expenses of outside Judges .....	2,000.00	2,000.00
Expenses of Court not otherwise provided for	500.00	500.00
For the District Courts:		
Salaries of Judges .....	68,000.00	68,000.00
For the County Attorneys:		
Salaries of Attorneys .....	23,500.00	23,500.00
	<hr/>	<hr/>
	\$121,200.00	\$121,200.00

**State Institutions.**

Asylum for insane, maintenance of .....	\$180,000.00	\$185,000.00
State prison, maintenance of .....	105,000.00	112,500.00
Agricultural College, maintenance of .....	28,500.00	30,000.00
Reform School, maintenance and repairs .....	31,500.00	31,500.00
State Normal College, maintenance and repairs ..	35,000.00	35,000.00
State University, maintenance and repairs .....	67,500.00	70,000.00
School of Mines, maintenance and repairs .....	33,000.00	35,000.00
School for Deaf and Blind, maintenance and repairs	44,800.00	44,800.00
Orphans' Home, maintenance and repairs .....	31,000.00	32,000.00
Maintenance Experiment Station and Substations:		
Experiment Station, Bozeman .....	12,500.00	12,500.00
Horticultural Substation, Ravalli county .....	1,250.00	1,250.00
Dry Farm Substation, Fergus county .....	2,000.00	2,000.00
Dry farm investigations .....	9,000.00	9,000.00
	<hr/>	<hr/>
	\$581,050.00	\$600,550.00

**Miscellaneous.**

Printing Montana Reports .....	\$ 2,700.00	\$ 1,800.00
Deficiency claims .....	75,000.00	
	<hr/>	<hr/>
	\$77,700.00	\$1,800.00

**Legislative.**

Appropriations made for salaries and expenses.. \$80,000.00

**Special Appropriations.**

Establishment and maintenance, department of manual training, Reform School .....	\$12,500.00	\$5,000.00
Improvements, Orphans' Home .....	15,000.00	
Improvements, School for Deaf and Blind .....	16,800.00	
	<hr/>	<hr/>
	\$44,350.00	\$5,000.00

**Recapitulation of Estimated Expenses.**

Executive Department .....	\$304,580.80	\$312,950.00
Judicial Department .....	121,200.00	121,200.00
State Institutions .....	581,050.00	600,550.00
Miscellaneous .....	77,700.00	1,800.00
Legislative .....	80,000.00	
Special .....	44,350.00	5,000.00
	<hr/>	<hr/>
	\$1,208,880.80	\$1,041,500.00

**Estimated Income.**

From taxes .....	\$725,000.00	\$465,000.00
From licenses .....	300,000.00	305,000.00
State officers' fees .....	160,000.00	165,000.00
From inheritance tax .....	15,000.00	15,000.00
Transfers and miscellaneous receipts .....	12,500.00	12,500.00
Income from land grant funds:		
School for Deaf & Blind..	\$ 6,000.00	\$ 6,000.00

School of Mines .....	13,000.00	13,000.00		
Normal College .....	16,500.00	16,500.00		
Reform School .....	5,000.00	5,000.00		
State University .....	10,000.00	10,000.00—	50,500.00	50,500.00
			<hr/>	<hr/>
			\$1,263,000.00	\$1,013,000.00

**RECAPITULATION OF INCOME AND EXPENSE.****Estimated Income.**

Estimated income for 1909 .....	\$1,263,000.00
Estimated income for 1910 .....	1,013,000.00
	<hr/>
Estimated gross income for 1909-1910 .....	\$2,276,000.00

**Estimated Expenses.**

Estimated expenses for 1909 .....	\$1,208,880.80
Estimated expenses for 1910 .....	1,041,500.00
	<hr/>
Estimated gross expenses for 1909-1910 .....	\$2,250,380.80
Gross income estimated for 1909-1910 .....	\$2,276,000.00
Gross expenses estimated for 1909-1910 .....	2,250,380.80
	<hr/>
Balance estimated income over expenses .....	\$25,619.20

The following was read and referred:

Lincoln, Nebraska, January 14, 1909.

To the President of the Senate and

The Speaker of the House of Representatives.

Jefferson City, Missouri.

Gentlemen:

The Nebraska Legislature now in session has passed a concurrent resolution, to be sent to various states, as follows:

Resolved, that a Committee of six, one from each congressional district be appointed to confer or consult by letter or otherwise with the Legislatures of Iowa, Kansas, Colorado, Wyoming and Montana in regard to obtaining a just and equitable Demurrage Law, between the shippers and railroads of said states.

The necessity of such action is apparent to all and we would respectfully urge that your Legislature appoint a representative or representatives who will meet with the Nebraska Committee in Lincoln, Nebraska, on January 28th, 1909.

Respectfully,

A. H. BOWMAN.

F. P. LAWRENCE, (absent).

J. M. GATES.

C. A. RITCHIE.

GEO. K. LEIDIGH.

E. A. BROWN, (absent).

Committee.

MacGinniss moved that the Sergeant at Arms be instructed to pro-

cure a blackboard to be placed at the left of the Speaker, and that the chairmen of the various Committees post their notices thereon.

On motion the House adjourned until 10 A. M. tomorrow, January 21, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Eighteenth Day.

Helena, Montana, January 21, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll called, all present except Frank, Gray, Hanifen, Largey, Thompson, Connelly and Hunter.

On motion of Edgerton, journal of previous day approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

The following notices of the introduction of bills were given:

By Kilgallon, for Committee on Appropriations; A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account State Fair."

By Mitchell: A bill prohibiting the sale of cigarettes or cigarette papers in the State of Montana.

By Werner: A bill for an Act entitled, "An Act to provide for the protection and safety of persons in and about the construction of buildings, bridges, viaducts and other structures, and to provide for the inspection thereof."

By Werner: A bill for an Act relating to the industry of quartz mining, amending certain laws relating thereto by providing for the appointment and election of a quartz mining Inspector and a Deputy quartz mining Inspector and other provisions relating to quartz mining.

By Groff: A bill entitled, "An Act appropriating money for the construction of a farm house and the purchase of implements and trees for the Horticultural Sub-Experiment Station in Ravalli County."

By Allen: A bill for an Act to amend Sections 8582 and 8585 of the Revised Codes of Montana of 1907, relating to the carrying of concealed weapons in cities and towns, in the places of public resort.

By Gray (by request): A bill for an Act entitled, "An Act to provide for the examination and registration of trained nurses."

By Gray (by request): A bill for an Act entitled, "An Act to amend Section 2887, Revised Statutes, relating to the publication of proceedings of meetings of County Commissioners,"

By Thompson: A bill for an Act entitled, "An Act to amend Section 8475, Revised Statutes of Montana 1907, relating to trespassing stock."

By McCoy: A bill for an Act entitled, "An Act to regulate the



itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity and to provide for the licensing of venders of the same."

### NOTICES FROM THE SENATE.

January 20, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Notices of the Introduction of Bills were this day given as follows.

By Meyer: A bill for an Act entitled, "An Act to provide for a Board of Examiners for applicants for certain positions in and around coal mines, prescribing their duties, and terms of office and providing for the salaries of such boards."

By Meyer: A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of coal mine Inspector of the State of Montana, and prescribing the qualifications of applicants, and prescribing the rights and duties and fixing the compensation of such board of examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana."

By Tooley: A bill for an Act entitled, "An Act prohibiting rebating and discrimination of Life Insurance Companies, and providing penalties therefor, and prohibiting the issuance of Special or Advisory Board Contracts and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142 and 4243 of the Revised Codes of the State of Montana of 1907."

By Tooley: A bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana of 1907, relating to the manner in which Insurance Companies, Associations or Partnerships may transact business in the State of Montana."

Respectfully,

NATHAN GODFREY, Secretary.

January 20, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

By Sykes: S. B. No. 41, A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Code, covering regulations of the practice of medicine and examination of applicants."

Referred to Committee on Counties, Towns and Municipal Corporations.

By McCarthy: S. B. No. 42, A bill for an Act entitled, "An Act to amend Section 1306, also to repeal Section 11307 of the Revised Codes of Montana of 1907, concerning Farmers' Institutes."

Referred to Committee on Agriculture and Manufactures.

By Albright: S. B. No. 43, A bill for an Act entitled, "An Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed."

Referred to Committee on Judiciary.

By Everett: S. B. No. 44, A bill for an Act entitled, "An Act to prevent the issuance of a pass or other free transportation by any common carrier, within the State of Montana, except to certain persons and to prevent the acceptance of such free transportation."

Referred to Committee on Railroads and Transportation.

Respectfully,

NATHAN GODFREY, Secretary.

January 20, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorably body, that Senate Bill No. 11 has this day been passed by the Senate and is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received:

Helena, Montana, January 21, 1909.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 74, being a bill for an Act entitled, "An Act to declare the 12th day, of February of each year to be a legal holiday to be known and designated as Lincoln's Birthday," having had the same under consideration, respectfully recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill No. 97, being an Act to provide for fire drills in the schools of the State, after due consideration of the same, respectfully recommend that the same do pass as amended as follows:

Section 2 as amended: It shall be the duty of the trustees or directors or other persons having the control and management of any school building of the class mentioned in Section 1 of this Act to provide for one or more gongs therefor, and to be placed in such a manner that any teacher may give an alarm without leaving the room, or that such alarm could be given from the basement. Each member of any Board of Trustees or Directors, or any other person, whose duty it is to install said gongs as herein provided, who fails or refuses so to do, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Section 3, as amended. A fire alarm shall be given by striking of gong, and immediately upon such alarm, the children shall be required to immediately form in lines and leave the building in an orderly manner, through the exit and exits that will most expeditiously clear the building. There shall be no certain day of the week, or hour of the day, for giving such alarms, and they shall be given without previous warning to the children.

HAMMOND, Chairman.

Report adopted as amended.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 90, a bill for an Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the two years expiring March 1, 1909, having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

January 20, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration H. B. 101, introduced by Crouch, A bill for an Act entitled, "An Act to empower Cities and Municipal Corporations to regulate the rates of fare that may be charged by street car companies, hack companies, cab companies and individuals engaged in the transportation of passengers, and empowering such Cities and Municipal Corporations to fix the schedule of services, and character of cars required upon street car lines," beg leave to report the same back with the recommendation that it do pass.

BURKE, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Fish and Game, to whom was referred House Bills No. 24 and 32, being respectively entitled "House Bill 24, a bill for an Act entitled, An Act to amend Section 8783, Chapter 1, Title 16, of the Penal Code of Montana, relating to the protection of game, by adding Antelope, Mountain Sheep, Mountain Goat, Beaver, Female Elk, Grouse, Fool Hen, Sage Hen, Kill Deer and Plover to the list of wild game protected by continuous closed season;" and "House Bill 32, A bill for an Act entitled, An Act to amend Section 8783 of the Revised Codes of Montana of 1907, by including Antelope, Beaver, Grouse, Prairie Chicken, Fool Hen, Sage Hen, Pheasant, Partridge, Turtle Dove among the wild animals and game birds the killing of which is prohibited, and to repeal Section 8787 of the Revised Codes of Montana of 1907," respectfully report that after having had the same under consideration, recommend as a substitute therefor, A bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and Beaver and prohibiting the sale of Beaver Skins, and providing a punishment for the violation of this Act," and further recommend that such substitute bill do pass.

BERKIN, Chairman.

January 20, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration H. B. No. 54, introduced by Gray, A bill for an Act entitled, "An Act

to empower the City Council or corporative authorities of any city to regulate the rates and charges to be allowed Corporations, Companies or Individuals for furnishing water, gas or electricity to any such City, and to fix the minimum rates therefor," recommend that the bill do not pass.

BURKE, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Engrossment beg leave to submit the following bills, correctly engrossed: Bills Nos. 3, 28, 59 and 67.

WARREN, Chairman.

Report received and House Bills Nos. 3, 28, 59 and 67 placed on third reading.

January 21, 1909.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill No. 68, being "A bill for an Act relative to the construction of dams, dykes and embankments for the purpose of storing water, providing for the inspection thereof by the State Engineer and his expenses with relation thereto; and to provide a penalty for the violation of the provisions of this Act; and to repeal Sections 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150 and 2151 of the Revised Codes of Montana, being Sections 3440 to 3453 inclusive, of the Political Code of Montana," having had the same under consideration, beg leave to refer same back to the House with the recommendation that it do not pass.

Respectfully,

WHALEY, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Insurance, to whom was referred H. B. No. 76, introduced by Shoemaker, being "A bill for an Act to provide for an examination by the Commissioner of Insurance of all Insurance Companies, including surety companies, organized under the laws of this state or organized under the laws of any other state, or territory, or foreign country, and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examinations; and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907," beg leave to report that after having the bill under consideration, respectfully report the bill back to the House with the recommendation that it do pass.

LEHRKIND, Chairman.

On motion report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Insurance, to whom was referred H. B. No. 80,

introduced by Lehrkind, being "A bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance, Ex-Officio, and to provide for the appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an Actuary," after having had the same under consideration, respectfully report the bill back to the House with the recommendation that it do pass.

LEHRKIND, Chairman.

On motion report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Insurance, to whom was referred H. B. No. 79, introduced by Lehrkind, being a bill for "An Act to amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907, relating to licenses of insurance companies and agents", beg leave to report the bill back to the House with the recommendations that it do pass.

LEHRKIND, Chairman.

On motion report adopted.

Mr. Speaker.

Your Committee on Conservation of Resources herewith reports that it has examined the communication referred to it from the Committee on Forestry and State Lands appointed by the Governor, and your Committee hereby recommend that the House extend to Messrs. Lew L. Callaway, David Hilger and Rudolph Von Tobel, the members of the Governor's said Forestry and State Lands Committee, a vote of thanks for their efforts and work in preparing a bill for the conservation of the State Forest Lands and for the revision of the present State Land law which said bill was transmitted to your Committee with the said communication.

Your Committee further reports that it has examined the said bill carefully and recommends that it be transmitted to the Committee on State Lands for the purpose of introducing same.

CLAYBERG, Chairman.

Report adopted.

January 20, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration H. B. No. 75, introduced by Hall. A bill for an Act entitled, "An Act granting and giving to the Council of any incorporated City or Town the power to fix and establish reasonable rates and charges for gas, electric or other light and electric and other power, sold within its limits," beg leave to report the same back with the recommendation that the bill do not pass.

BURKE, Chairman

Report adopted.

#### INTRODUCTION OF BILLS.

The following bills were to-day introduced, read first and second time and referred:

H. B. No. 117, by Thompson: A bill for an Act making an appropria-

tion for buildings, livestock and improvements on the Sub-experimental Station of the Agricultural College in Fergus County.

Read first time by title, second time at length, and referred to Committee on Appropriations.

H. B. No. 118, by Roy: A bill for an Act to amend Section 882 of the Revised Codes of Montana of 1907, relating to the letting of contracts by School Trustees.

Referred to Judiciary Committee.

H. B. No. 119, by Committee on Live Stock and Public Ranges: A bill for an Act entitled, "An Act making appropriations for the protection of the livestock industry in the State of Montana, and to defray the expenses incurred therefor for the fiscal years, ending November 30th, 1909, and November 30th, 1910.

Read first time by title, second time at length, and referred to Committee on Appropriations.

H. B. No. 120, by Gray: A bill for an Act entitled, "An Act requiring all mortgages, bonds for deeds, deeds of trust, contracts for the sale or purchase of property and assignments to show the true name and residence of the parties thereto, and in case such parties are non-residence requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein."

Referred to Judiciary Committee.

H. B. No. 121, by Gray (by request): A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Statutes of Montana of 1907, relating to the disqualification of Judges and Juries."

Referred to Judiciary Committee.

H. B. No. 122, by Smith: A bill for an Act entitled, "An Act to amend Sections 1484 and 1488 of the Revised Statutes of 1907, of the State of Montana, relative to the appointment and duties of Boards of Health."

Referred to Committee on Sanitary Affairs.

H. B. No. 123, by Kelsey: A bill for an Act to amend Sections 1815 of the Revised Codes of Montana, of 1907, relating to the record of horses and other livestock sold at public markets.

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 124, by Pomeroy: A bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Logger's Liens."

Referred to Judiciary Committee.

H. B. No. 125, by Burk (by request): A bill for an Act entitled, "An Act to provide for the purchase of an Independent water supply for the State Capitol building and grounds and to contract for the construction of necessary pipe lines, hydrants and reservoirs."

Referred to Committee on State Institutions.

H. B. No. 126, by Committee on Fish and Game as substitute for House Bills, Nos. 24 and 32. A bill for an act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection of wild game and beaver, and preventing the sale of beaver skins and providing a punish-



ment for the violation of this Act."

Referred to Committee on Fish and Game.

### MOTIONS AND RESOLUTIONS.

The following resolutions were introduced:

Resolved: That the House Committee on Fairs and Expositions be authorized to investigate the business and methods of the Montana State Fair; that said Committee be authorized to summon witnesses, and require the production of papers and documents needed in said investigation; said Committee to report its findings and recommendations to the House.

WARREN.

Motion carried.

January 21, 1909.

Mr. Speaker:

Resolved: That the Honorable Senate be requested to grant the House the use of one of its committee rooms for the use of the Special Committee on State Lands.

CLUSTON.

Motion carried.

Mr. Speaker:

I move you that the names of two members be added to Committee on Libraries, and that they be attorneys.

SHOEMAKER.

Motion carried.

Chair appointed Gray and Pierson.

### THIRD READING OF HOUSE BILLS.

House Bill No. 3, was read third time and passed by the following vote: Ayes: Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Werner, White, Witmer, Wood, Mr. Speaker. 59.

Noes: Allen, Roy. 2.

Absent and not voting: Arnett, Christler, Elliott, Frank, Hanifen, Hunter, Mitchell, MacGinniss, Wilham, Woody. 10. Total 71.

House Bill No. 28 read third time and passed by the following vote: Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A. Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker. 65.

Absent and not voting: Frank, Hanifen, Hunter, MacGinniss, Wilham, Woody. 6. Total 71.

House Bills Nos. 59, and 67 read third time and on motion laid over until to-morrow.

#### READING OF SENATE BILLS.

S. B. No. 11 was read first and second time and referred to Committee on Corporations other than Municipal.

On motion of Brewster, House went into Committee of the Whole for consideration of general orders.

Gibson in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Helena, Montana, January 21, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 36, A bill for an Act entitled, "An Act appropriating money for the payment of the claim of Julius Barney, for services rendered as pay master in paying the Spanish American War Veterans, the back pay due them for service between the time of enrollment and mustering into service," beg leave to report that having had the same under consideration, recommend that it be amended as follows: Amend Section 3 by striking out in line 11 the word "approved" and inserting in lieu thereof the word "approval" there instead, and that the same do pass as amended. Title agreed to.

Respectfully,

GIBSON, Chairman.

On motion report adopted, and bill ordered engrossed.

Helena, Montana, January 21, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred Concurrent Resolution No. 1, a Memorial to Congress for Constitutional amendment to prohibit polygamy and to secure uniform divorce laws, beg leave to report having had the same under consideration, recommend that the same do pass.

Respectfully,

GIBSON, Chairman.

Helena, Montana, January 21, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 42, A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of Chaplain of the Soldiers' Home," beg leave to report having had the same under consideration, and recommend that the same be amended as follows: Amend Section 1 by striking out in lines 6 and 7 the words "whenever the same does not conflict with his other engagements;" and to amend Section 1 by striking out in line 6 the word "dead" and inserting in lieu thereof the

word "death," and recommend that the same do pass as amended. Title agreed.

Respectfully,

GIBSON, Chairman.

Adopted.

The following communication from the Senate was received and read:

January 21, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: The Senate hereby requests the House to return Senate Bill No. 11 for its further consideration.

Respectfully,

NATHAN GODFREY, Secretary.

Bill ordred returned by Mr. Speaker.

On motion House adjourned until 10 A. M. to-morrow.

Attest: CHAS. Z. POND, Chief Clerk.

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## Nineteenth Day.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

Journal of previous day read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

January 22, 1909.

By Burke: A bill for an Act entitled, "An Act to make it unlawful for any Senator of the State of Montana, to give a banquet, to which the Speaker, the Speaker pro tem, Chief Clerk and press representatives of the House are not invited."

By Werner: A bill for an Act entitled, "An Act to improve the sanitary conditions of quartz mines."

By Werner: A bill for an Act for the protection of employees quitting their employment or discharged employees.

By Coit: A joint resolution relative to election of United States Senators by popular vote.

By Gray: A bill for an Act entitled, "An Act to amend Sections 327 and 328, relating to the filing of Notary Public Commissions."

By Kilgallon: A bill for an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending Ferbruary 28, 1909.

By Hammond, Chairman of Committee on Education: A concurrent resolution relating to applicants by the institutions of higher education of the State of Montana for admission to the benefits of the retiring allowance system of the Carnegie Foundaion for the Advancement of Teaching.

By Woody: A bill for an Act entitled, "An Act appropriating money

for the payment of deficiency claims for maintenance of the State University at Missoula, Montana."

By Smith: A bill for an Act entitled, "An Act to repeal Sections 1760, 1761, 1762 and 1763, Revised Statutes 1907, relating to the registration of deaths and births."

By Smith: A bill for an Act entitled, "An Act to repeal Section 8368, Revised Statutes, 1907, relating to the burial of bodies."

By Gray: A bill for an Act entitled, "An Act regarding unclaimed Bank deposits."

By Clayberg: A bill for an Act, entitled, "An Act providing for medical aid and assistance, and the payment therefor, in cases of accidents on railroads, and injuries to railroad employees therefrom."

#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 22, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 85, being a bill for an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana of 1907, defining legal fences," after having had the same under consideration, hereby report the same back to the House with the recommendation that it do pass.

DUNCAN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 77, being a bill for an Act entitled, "An Act providing for the Corporal Punishment of Wife Beaters and Vagrants", after having had the same under consideration, hereby report the same back to the House, with the recommendation that it be printed.

DUNCAN, Chairman.

Report adopted.

January 20, 1909.

Mr. Speaker:

The Committee on Military Affairs to whom was referred House Bill No. 34, an Act entitled, "An Act to amend Sections 8582, 8583 and 8585 of the Revised Codes of the State of Montana of 1907", relating to the carrying of concealed weapons, was referred respectfully and report that having had said bill under consideration, recommend that the bill be amended in Section 2, 2nd line, and Section 3, 10th line, by striking out the word "particularly" and inserting therefor the word "partially" and recommend that the said bill so amended do pass.

COIT, Chairman.

Report adopted.

January 22, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 106, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions" having had

the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 100, introduced by Safley, being a bill for an Act entitled, "An Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana of 1907, relating to certificates of qualifications of teachers and to amend Section 908 Revised Codes of Montana of 1907, relating to pualification of teachers, recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 31, introduced by Norton, being a bill for an Act to declare and make the 12th day of October of each and every year, a public holiday, to be known as Columbus Day", recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Education having had under consideration House Bill No. 98, introduced by Smith, being a bill for an Act entitled, "An Act to amend Sections 8393, 8394, 8395 and 8396 of the Revised Statutes of the State of Montana, 1907, relating to indecent exposures, exhibitions and pictures, authorizing the seizing of such articles and their destruction, recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

January 22, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 107, a bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

On motion report adopted.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 104, a bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public Fees erroneously collected," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

On motion report was adopted.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 87, a bill for an Act entitled, "An Act for the appropriation of money to pay the Bounty Claim of a certain person, having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 82, introduced by Hutchinson, a bill for an Act entitled, "An Act to amend Sections 8871, 8872, 8873 and 8874 of the Revised Codes of the State of Montana, 1907, relating to the destruction of noxious weeds and fixing a penalty for the violation thereof", recommend that this bill do not pass.

CROUCH, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

We, your Committee on Internal Improvements, having had under consideration House Bill No. 5, being a bill for an Act entitled, "A bill for an Act to amend Section 1413 of the Revised Codes of Montana 1907, relating to the construction and repair of bridges." recommend that the same do pass.

NORTON, Chairman.

On motion report adopted.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 64, introduced by Murray, A bill for an Act entitled, "An Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on public ranges, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do", recommend that this bill do not pass.

CROUCH, Chairman.

On motion report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges having had under consideration H. B. No. 78, introduced by Coit, A bill for an Act entitled, "An Act to amend Sections 8474 and 8475 of the Revised Codes of Montana of 1907, making it unlawful to herd or drive livestock upon another's land, providing penalties therefor, and to give a right of action for damages", recommend that this bill do pass.

CROUCH, Chairman.

On motion report adopted.



January 21, 1909.

Mr. Speaker:

Your Committee on Libraries, having had under consideration House Bill No. 96, introduced by Byrnes, entitled, "An Act to establish a Legislative Bureau in connection with the Historical and Miscellaneous of the State Library, and to provide for the maintenance thereof", respectfully recommend that the same do pass as amended.

ALLEN, Chairman.

On motion of Pierson, the bill was referred back to the Committee.

Mr. Speaker:

Your Committee on Fish and Game to whom was referred House Bill No. 105, A bill for an Act entitled, "An Act appropriating the sum of twenty-five hundred dollars (\$2,500) to aid in the establishing, maintaining and stocking of a bisson range within the limits of the State of Montana, having had same under consideration, recommend that it be referred back to the Committee on Appropriations.

BERKIN, Chairman,

Report adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration H. B. No. 69, introduced by Norton, a bill for an Act entitled, "An Act to amend Section 3315 of Article 7, Chapter 3, Part 4, of the Political Code, Revised Codes of Montana, relating to the qualification of Police Officer by providing for salary of same", recommend that it be printed.

BURKE, Chairman.

On motion adopted.

January 21, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration H. B. No. 70, introduced by Norton, A bill for an Act entitled, "An Act to amend Section 3257, Article 3, Chapter 3, Title 3, Part 4 of the Political Code of Montana. An Act, relating to and defining the duties of City Treasurers," recommend this bill do not pass.

BURKE, Chairman.

Report adopted.

January 21, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 39, introduced by Harbert, A bill for an Act entitled, "An Act to prohibit live stock from running at large in any county or portion of county in which three-fourths of the lands therein are under fence, except in certain cases, and providing a penalty for the enforcement of this Act," recommend that this bill do not pass.

CROUCH, Chairman.

Report adopted.

January 22, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 26,

being a bill for an Act entitled, "An Act to provide for party nominations by direct vote" after having had the same under consideration, hereby reports said bill back to the House with the recommendation that it do pass, with the following amendments:

(1). That Section 4 of the bill be amended by inserting the figures (1910) in the blank appearing in such section.

(2). That Section 9 of said bill be amended by striking out the last sentence or paragraph of said section appearing on page 6, beginning with the word "but" and in lieu thereof insert the following:

"In the case of any political party not represented by any candidates for any office on the ballot at the last preceeding election, nomination papers must be signed by as many voters as is required in the case of the candidates of the party requiring the least number of signatures entitled as hereinbefore provided to a place on the ballot at such primary."

(3). That Section 15 be amended by inserting after the word "b'e" appearing in the last line of said section on page 8 of the bill the words "at least".

(4). That the bill be amended by striking out the language of Section 16, and inserting in lieu thereof the following:

"All blanks, ballots, poll books and other supplies to be used at any primaries shall be provided, and all expenses necessarily incurred in the preparation for or conducting such primaries shall be paid out of the treasury of the county in the same manner and by the same auditors as in the case of elections. Not later than one day next preceding any primary the county clerk must furnish one of the Judges of the primaries in each precinct with a copy of the official register and a check list for the precinct."

(5). Amend Section 19 of the bill by adding at the end of the first line on page 11, the following:

"The names of all persons so registered shall be entered on the copy of the official register and check list with a notation to the effect that such persons were registered at the primary."

(6). Amend Section 21 of said bill by inserting after the words "blanks" appearing in the second line of the second paragraph of said section by inserting the words "for each party".

(7). Amend Section 31 of said bill by inserting in the blank in such section the figures "10".

(8). That Section 32 be amended by striking out the words "five hundred" appearing in the last line of page 16 of the bill and inserting the words "one thousand" in lieu thereof; and by striking out the word "or" in said line and inserting the word "and" in lieu thereof, and by striking out the words "or by both such fine and imprisonment" appearing in the last line of said paragraph.

(9). That Section 34 be amended by striking out the words " five hundred" and inserting in lieu thereof the words "one thousand".

DUNCAN, Chairman.

January 22, 1909.

Mr. Speaker:

We, the undersigned members, being a minority of the Judiciary Committee beg leave to submit the following report: having had under consideration H. B. No. 26, being a bill for an Act entitled, "An Act to provide for party nominations by direct vote", recommend that the same be indefinitely postponed.

GIBSON.

WOOD.

GRAY.

POMEROY.

A motion was made to adopt minority report. A substitute motion was made to adopt majority report. Gray moved to lay substitute motion on table. Roll call motion to table defeated by following vote:

Ayes: Arnett, Brewster, Butzerin, Coit, Connelly, Cummings H. T., Cummings T. A., Edgerton, Eliel, Gibson, Gray, Hall, Hunter, Hutchinson, Kelsey, Maxwell, Metzler, Murray, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer, Wood. 28.

Noes: Allen, Berkin, Burke, Byrnes, Chrisler, Clayberg, Cluston, Crouch, Crutchfield, Dowling, Duncan, Elliott, Garber, Giovanetti, Groff, Hammond, Hayes, Kilgallon, James, Largey, Lehrkind, Lowney, Mitchell, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker. 35

Absent and not voting: Bogart, Derry, Frank, Hanifen, Harbert, Jacobson, MacGinniss, Pomeroy. 8. Total 71.

### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second time and referred:

H. B. No. 127, by Gray: A bill for an Act entitled, "An Act requiring the Head Physician of the State Insane Asylum of the State of Montana to make report to the District Court, showing the condition of the inmates of said Asylum."

Referred to Committee on State Institutions.

H. B. No. 128, by Groff: A bill for an Act entitled, "An Act appropriating money for the construction of a farm house, for the purchase of the implements and trees for the Horticultural Sub-experiment Station in Ravalli County."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 129, by Clayberg (by request) A bill for an Act to amend Section 3850 of the Revised Codes of Montana of 1907, relating to the Annual Reports and Statements of Corporations.

Referred to Committee on Corporations other than Municipal.

H. B. No. 130, by Burke: A bill for an Act making it the duty of the sheriff of each county to visit in January and July of each year, every place within his county, required by law to have a liquor license to ascertain if the license law was being violated, to inspect and inlist licenses, and report to the Board of County Commissioners, and to State Examiners.

Referred to Judiciary Committee.

H. B. No. 131, By Hall: A bill for an Act entitled, "An Act to amend Section 1344 and to repeal Sections 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, and 1355 of the Revised Codes of Montana of 1907, concerning road taxes and funds."

Referred to Committee on Highways.

H. B. No. 132, by Werner: A bill for an Act entitled, "An Act to amend the Title to Article III, Chapter II, Title VII, Part III of the Political Code, Revised Codes of Montana, 1907, by inserting the word "quartz" between the words "of" and "mining" in said title, so that the title of the Article will read; "regulation of the industry of quartz mining"; and amend Sections 1711, 1712, 1714, 1715, 1713 and 1716 of Article III, Chapter VII, Part III of the Political Codes of the Revised Codes of Montana, referring to the regulation of the industry of mining, by providing for the appointment and election of a Quartz Mining Inspector and a Deputy Quartz Mining Inspector and providing for the filling of a vacancy in case of the death, resignation or removal from office of the Quartz Mining Inspector and Deputy Quartz Mining Inspector, and defining their qualifications and duties, and providing penalties for the violation of the provisions of this Article as far as the same relates to the said Section."

Referred to Committee on Mines and Mining.

H. B. No. 133, by Byrnes: A bill for an Act entitled, "An Act relating to the proof of corporate existence and providing for the matter of proving the corporate character of any corporation, domestic or foreign."

Referred to Committee on Corporations other than Municipal.

H. B. No. 134, by Largey (by request): A bill for an act to amend Sections 3211, 3212 and 3214 of Article I, Chapter III, Title III, Part IV, of the Political Code of the State of Montana, of the compilation of 1907, relating to the election of officers of cities of the first, second and third classes.

Referred to Committee on Privileges and Election.

H. B. No. 135, by Thompson: A bill for an Act entitled, "An Act to amend Section 8475 of the Revised Statutes of Montana, of 1907, relating to Trespassing Stock".

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 136, by Werner: A bill for an Act entitled, "An Act to provide for the protection and safety of persons in and about the constructing, repairing, alteration or removal of buildings, bridges, viaducts and other structures, and to provide for the inspection of such structures by the Commissioner of the Bureau of Agriculture, Labor and Industry, and by local building inspectors and to provide for penalties and damages for the violation thereof,"

Referred to Committee on Labor.

H. B. No. 137, by Allen: A bill for an Act to amend Sections 8582 and 8585 of the Revised Codes of Montana of 1907, relating to the carrying of concealed weapons in cities and towns and in places of public resort.

Referred to Judiciary Committee.

H. B. No. 138, by Connely: A bill for an Act to amend Subdivision 10 of Section 6339 of the Revised Codes of Montana, of 1907, exempting licensed undertakers from acting as Jurors.

Referred to Judiciary Committee.

H. B. No. 139, by Connelly: A bill for an Act to amend Section 7299 of the Revised Codes of Montana of 1907, and to extend the time for commencing actions for the foreclosure of mechanics liens.

Referred to Judiciary Committee.

### MOTIONS AND RESOLUTION.

Motion made by Norton that when House adjourn it adjourn until 2:30 P. M. Monday, January 25, 1909.

### MESSAGES FROM THE SENATE.

January 21, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bills Nos. 15, 19, 20 and 28 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Senate Bills Nos. 12, 14, 10 and 17 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

January 21, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of bills were this day given as follows:

By Rae: A bill relating to the qualification of directors of corporations.

By Meyer: A bill for an Act entitled, "An Act to amend Sections 1680 and 1682 of the Revised Codes of Montana of 1907, relating to the powers and duties of the State Coal Mine Inspector."

By Annin: A bill for an Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, property and debts between old and new school districts.

By Edwards: A bill for an Act to prohibit the running or conducting of dances in public dance halls, or other places of amusement, on Sunday, and to provide penalties for a violation thereof.

By Rae: A bill relating to the duties of the State Engineer.

By Donlan: A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds and to fix the limit of time in which actions to set aside or annul tax deeds may be brought.

Respectfully,

NATHAN GODFREY, Secretary.

### READING OF SENATE BILLS.

The following Senate Bills were read first and second times and referred:

S. B. No. 10, by Edwards: An Act to give Boards of County Com-



missioners power to offer rewards for the apprehension and conviction of persons committing crime; to employ or authorize the employment of detectives; and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party.

Referred to Judiciary Committee.

S. B. No. 12, by McCone: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."

Referred to Ways and Means Committee.

S. B. No. 14, by Donlan: "An Act providing that mortgages of real and personal property shall not be subject to taxation."

Referred to Judiciary Committee.

S. B. No. 15, by Meyer: "An Act authorizing the appointment of a stenographer for the State Treasurer."

Referred to Committee on State Boards and Officers.

S. B. No. 17, by Donlan: "An Act to amend Section 6315 of the Revised Codes of Montana concerning the disqualification of judges."

Referred to Judiciary Committee.

S. B. No. 20, by McCone: "An Act to amend Section 8689 of the Revised Codes of Montana of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated."

Referred to Judiciary Committee.

S. B. No. 19, by Romney: "A bill for an Act for the relief of the widow and minor children of Charles B. Peyton, Deputy State Game Warden, who was killed while in the performance of his official duty by Indians on the 18th day of October, 1908."

Referred to Committee on State Boards and Officers.

S. B. No. 28, by Romney: "An Act relative to commission merchants or persons selling agricultural or horticultural products, or farm produce, on commission."

Referred to Committee on Horticulture.

### THIRD READING OF HOUSE BILLS.

H. B. No. 67 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings, H. T., Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hayes, Hunter, Hutchinson, Kelsey, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Smith Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Crutchfield, Cummings, T. A., Derry, Edgerton, Frank, Groff, Hanifen, Harbert, Jacobson, Kilgallon, King Lehrkind, MacGinniss, Pomeroy, Shoemaker, Woody.—16. Total 71.

H. B. No. 59 read third time and on motion of Gray referred back to General Orders.



**MOTIONS AND RESOLUTIONS.**

On motion of Pierson, the Clerk was instructed to post notices of third reading.

Resolved, That the House extend a vote of thanks to M. H. Pierce of Plains, Sanders County, for his generous act in presenting the members of the Eleventh Session with three boxes of apples. They were a delicious fruit and very much appreciated.

WILHAM.

On motion of Hutchinson, House Bill No. 80 was referred back to Committee on Live Stock and Public Ranges.

On motion of Norton, House adjourned until 2.30 P. M. Monday, January 25, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

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## Twenty-Second Day.

Helena, Montana, January 25, 1909.

House met pursuant to adjournment at 2:30 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal of Nineteenth day read and approved.

### **NOTICES OF INTRODUCTION OF BILLS.**

By Owenhouse: A bill for an Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and life certificates.

By Owenhouse: A bill for an Act entitled, "An Act appropriating money for the erecting and furnishing of a woman's dormitory at the Montana Agricultural College at Bozeman, Montana.

By Werner: A bill for an Act entitled, "An Act to add an additional section to Article 2, Chapter 2, Title 2, Part 4, of the Political Code, relating to county printing."

By Edgerton: A bill for an Act to amend Section 1504 of the Revised Statutes of Montana to annually provide free vaccination of pupils and teachers entering any school in the State of Montana by a legally qualified physician and surgeon to be designated and paid out of the General Fund by the Board of County Commissioners of each county, and the designation of such physician and surgeon to be approved by the State Board of Health.

By Burke: A bill for an Act entitled, "An Act to create the county of Musselshell, designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between the said county of Musselshell and the counties of Yellowstone and Fergus."

By Gray: A bill for an Act entitled, "An Act to amend Section 2759 relating to license."

By Harbert: A bill for an Act regulating the hours for closing saloons and other places where intoxicating liquors are sold, and providing a penalty therefor.

By Whaley: A bill for an Act entitled, "An Act regulating the taxation of mortgage debts and mortgaged property and the payment of taxes thereon, and making mortgages for purposes of assessment and taxation, interests in the mortgaged property."

By Safley: A bill for an Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907, relating to the examination and qualification of teachers, and to the grade of teacher's certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907.

By Insurance Committee: A bill for an Act entitled, "An Act concerning the duration and renewal of life insurance corporations and the number of directors thereof."

By Norton: A bill for an Act to create and establish a Home for the care and maintenance and employment of blind men and women.

By Cummings of Chouteau: A bill for an Act entitled, "An Act to amend Section 402 of the Political Code of the State of Montana, relating to the distribution of the Revised Statutes and Session Laws."

#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 36, 42, and Concurrent Resolution No. 1 correctly engrossed.

WARREN, Chairman.

Report read. Bills placed on third reading.

January 25, 1909

Mr. Speaker:

Your Committee on State Institutions, Public Buildings, etc., to whom was referred H. B. 125 introduced by Burke, being an Act entitled, "An Act to provide for the purchase of an independent water supply for the State Capitol Building and Grounds, and to contract for the construction of necessary pipe lines, hydrants and reservoirs," beg to report the same back to the House with the recommendation that it do not pass.

SHOEMAKER, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings, etc., to whom was referred H. B. No. 58, introduced by Cummings, being "An Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, relating to the Soldiers' Home," beg leave to report the same back to the House with the recommendation that it do pass.

SHOEMAKER, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Printing wishes to state that on account of

so many mistakes in the printed bills they will be unable to report on them today.

O'DONNELL, Chairman.

### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were read first and second time and referred:

H. B. No. 140, by Kilgallon: A bill for an Act making an appropriation for the Board of Railroad Commissioners of the State of Montana for the three months ending February 28, 1909.

Referred to Committee on Appropriations.

H. B. No. 141, by McCoy: A bill for an Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same.

Read first and second time and referred to Committee on Sanitary Affairs.

On motion of McCoy, H. B. 141 was taken from Committee on Sanitary Affairs and referred to Judiciary Committee. Motion adopted.

H. B. No. 142, by Norton: A bill for an Act to amend Section 3478 of Article II, Chapter VI, Title III, Part IV, of the Political Code of Montana, an Act relating to unplatted tracts of land in cities and towns and giving city councils the right to have the same platted.

Referred to Committee on Affairs of Cities.

H. B. No. 143, by Gray: A bill for an Act entitled "An Act to amend Section 2887 of the Revised Statutes of Montana of 1907, relating to the meetings and proceedings of the Boards of County Commissioners and the publication thereof.

Referred to Judiciary Committee.

H. B. No. 144, by Gray: A bill for an Act entitled, An Act to amend Section 1433 of the Revised Statutes of Montana of 1907, relating to penalties for violations of Sections 1429 and 1430 and 1431 of the Revised Statutes of Montana of 1907, relating to the use of motor vehicles."

Referred to Committee on Affairs of Cities.

H. B. No. 145, by Werner: An Act entitled, "An Act for the protection of employees quitting their employment, or discharged employees, and providing penalties for the violation of this Act."

Referred to Committee on Labor.

H. B. No. 146, by Harbert: A bill for an Act entitled, "An Act to provide for the construction and furnishing of a State Fish Hatchery in Flathead County, Montana, for the propagation of commercial food fish and other fish, and appropriating money therefor."

Referred to Committee on Fish and Game.

The following resolutions were this day introduced, read first and second times and referred:

House Joint Resolution No. 1, by Coit: Relative to election of United States Senators by popular vote.

Referred to Committee on Privileges and Elections.

House Concurrent Resolution No. 2, by Committee on Education: A concurrent resolution relating to applications by the institutions of

higher education of the State of Montana to the benefits of the retiring allowance system of the Carnegie Foundation for Advancement of Teaching.

Referred to Committee on Education.

#### READING OF SENATE BILLS.

The following Senate Bills were read first and second time and referred:

S. B. No. 11, by Long: A bill for an Act entitled, "An Act to amend Section 4216 and 4218 of the Revised Codes of 1907, so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide their shares of stock into classes of different par value; to legalize the stock of co-operative associations heretofore issued in classes of different par values, and to regulate the exemption of such shares of stock from attachment or sale under execution."

Read first and second time and referred to Committee on Corporations other than Municipal.

S. B. No. 13, by McCone: A bill for an Act entitled, "An Act to amend Sections 3003 and 3257 of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers."

Read first and second times and referred to Committee on Judiciary.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received:

January 15, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

By Selway: S. B. No. 37, a bill for an Act entitled, "An Act providing that the First Judicial District shall hereafter be composed of the Counties of Lewis and Clark and Jefferson, and the Fifth Judicial District shall hereafter be composed of the Counties of Beaverhead and Madison."

Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY, Secretary.

January 15, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of bills were this day given as follows:

By Haviland: A bill for an Act to determine the liability of employers for injuries to employees.

By McCarthy: A bill for an Act entitled, "An Act to amend Section

1306, also to repeal Section 1307 of the Revised Codes of Montana of 1907."

Respectfully,

NATHAN GODFREY, Secretary.

January 22, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of bills were this day given as follows:

By Donlan: A bill for an Act entitled, "An Act to establish a system of examination for Master and Journeymen Plumbers, fixing the fees to be charged for licenses and the disposition of the fund thus created, and providing the penalties for the violation of the provisions of this Act."

By Meyer: A bill for an Act entitled: "An Act to create a State Accident Insurance and total permanent disability fund for coal miners and employees as coal washers in the State of Montana, and providing for the maintenance and management of the same, extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provision of this Act."

By Sanders: A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Codes of 1907, relating to sale of delinquent tax property."

By Sanders: A bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State for damages sustained by employees thereof and to declare void contracts restricting liability."

By Kessler: A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1580, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal certain sections relating to the practice of dentistry in the State, and to provide for further regulations with reference to the practice of dentistry in the said State of Montana."

Respectfully,

NATHAN GODFREY, Secretary.

#### MESSAGES FROM THE SENATE.

January 22, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

By Annin, S. B. No. 48: A bill for an Act entitled, "An Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, property and debts between old and new school districts."

Referred to Committee on Education.

S. B. No. 49, by Donlan: A bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought."

Referred to Committee on Judiciary.

S. B. No. 50, by Meyer: A bill for an Act entitled, "An Act to amend Sections 1680 and 1682 of the Revised Codes of Montana of 1907, relating to the powers and duties of the State Coal Mine Inspector."

Referred to Committee on Mines and Mining.

S. B. No. 51, by Meyer: A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana, and prescribing the qualifications of applicants and prescribing the rights and duties and fixing the compensation of such Board of Examiners and the manner of appointing said Coal Mine Inspector of the State of Montana."

Referred to Committee on Mines and Mining.

S. B. No. 52, by Meyer: A bill for an Act entitled, "An Act to provide for a Board of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and terms of office and providing for the salaries of such Boards."

Referred to Committee on Mines and Mining.

S. B. No. 53, by Edwards: A bill for an Act entitled, "An Act to prohibit the running or conducting of dances in public dance-halls, or other public places of amusement, on Sunday, and to provide penalties for a violation thereof."

Referred to Committee on Public Morals.

Respectfully,

NATHAN GODFREY, Secretary.

January 22, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills No. 11 and 13 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

### THIRD READING OF HOUSE BILLS.

House Bill No. 36 read a third time, and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings, H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Crutchfield, Gibson, Giovanetti, Gray, Hayes, Hunter, King, Largey, Maxwell, Mitchell, MacGinniss, Wilham, Woody.—13. Total, 71.

House Bill No. 42, read a third time and on motion of Pierson referred to Engrossing Committee.



Concurrent Resolution No. 1 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Elliott, Frank, Garber, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Crutchfield, Duncan, Eliel, Gibson, Giovannetti, Gray, Hayes, Hunter, King, Largey, MacGinniss, Wilham, Woody.—13. Total, 71.

On motion of Duncan, House resolved itself into Committee of the Whole.

Warren in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole submitted the following report:

January 25, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 59, being a bill for an Act appropriating money for payment of the per diem and mileage of certain persons on account of services as Presidential Electors for the year 1909, respectfully report having had the same under consideration and recommend that the bill be amended as follows: Amend Section 1 by striking out in line 1 the words "one hundred thirty" and inserting in lieu thereof the words "ninety-four"; amend Section 1 by striking out the amounts "65.00, \$32.60, and \$32.60" and inserting, in lieu thereof, the amounts "\$53.60, \$20.60 and \$20.60," and as so amended that the same do pass.

WARREN, Chairman.

On motion of Norton, House adjourned until 10.30 tomorrow, January 26, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

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## Twenty-Third Day.

Helena, Montana, January 26, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker Pro. Tem. in the chair.

Prayer by Chaplain.

Roll call. Absent, Brewster, Butzerin, Christler, Clayberg, Harbert, Largey, MacGinniss. Quorum present.

Journal of 22nd day, read and approved.

**COMMUNICATOINS AND PETITIONS.**

Petitions from 45 inhabitants from Carter, Montana, for a change in County line between Sanders and Missoula Counties were read and referred to Committee on Counties.

A petition signed by 95 relating to change in game laws, was read and referred to Committee on Fish and Game.

On motion of Frank, Senate Bill No. 10 was taken from Judiciary Committee and referred to Committee on Live Stock and Public Ranges.

Bogart introduced the following motion:

Mr. Speaker:

I move that there be two additional members appointed by the Speaker to serve on the Special Committee on Investigation of the Land Department, and that such new new members be lawyers.

If the Attorneys cannot give special attention to the work of such Special Committee, that the said Committee be instructed to employ an Attorney, and that said Committee have full stenographical report of the proceedings had and evidence taken by them, especially in relation to the timber land sales made by the State to Somers Lumber Company, Northwestern Lumber Company, and Julius Niel, all of Flathead County, and that a copy of said stenographical record be submitted to the House, with and as a part of their report to the House.

BOGART.

Pierson moved to table.

Motion lost.

Ellel moved to amend as follows:

Mr. Speaker:

Move amendment to strike out all that part of the motion after the word "lawyers".

ELIEL.

On motion of Gray resolution made a special order at 10:30 A. M. to-morrow, January 27, 1909.

**NOTICES OF INTRODUCTION OF BILLS.**

By Derry: A bill for an Act to amend Section 2841, Revised Codes of 1907, being Section 1 of an Act entitled, "An Act to create the county of Sanders, designate its boundaries and provide for its organization and government", approved February 7, 1905.

• By Arnett: A bill entitled, "An Act to create the County of Shaw, to define it boundaries, and to provide for its organization", which said proposed County will embrace the eastern part of Valley County.

By Ward: A bill for an Act entitled, "An Act to amend Sections 3808, 3825 and 3826 of the Revised Codes of Montana of 1907, relating to corporations and their power to hold stock.

**REPORT OF STANDING COMMITTEES.**

January 26, 1909.

Mr. Speaker:

Your Committee on Engrossment, beg leave to inform you that H. B. No. 42 and 59 are correctly engrossed.

WARREN, Chairman.

Report adopted, bills placed on third reading.

January 26, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 65, 47, 56, 74, 76, 79, 80, 90, 97, 5, 38, 40, 50 and 126, a substitute for Nos. 24 and 32, correctly printed.

O'DONNELL, Chairman.

Report received and bills placed on General Orders.

January 26, 1909.

Mr. Speaker:

We, your Committee on Horticulture, having had under consideration Senate Bill No. 28, being a bill for an Act entitled, "An Act relating to Commission Merchants or persons selling agricultural or horticultural products or farm produce on commission, report the same back to the House with the recommendation that it do pass.

GROFF, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

We, your Committee on Labor, to whom was referred Joint Resolution No. 38 A, emanating from the State of Wisconsin Memorializing Congress, in regard to Child Labor, having had the same under consideration, beg leave to report the same back to the House, with the recommendation that it be indefinitely postponed.

HAYES, Chairman.

Report adopted.

January 25, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 123, introduced by Kelsey, a bill for an Act entitled, "An Act to amend Section 1815, of the Revised Codes of Montana of 1907, relating to the Record of Horses and other Live Stock sold at public markets," recommend that the bill do pass.

CROUCH, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 105, introduced by Kilgallon, a bill for an Act entitled, "An Act appropriating the sum of \$2,500.00 to aid in stocking a Bison Range within the limits of the State of Montana", having had the same under consideration recommend that it do pass as re-drafted.

KILGALLON, Chairman.

January 25, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 53, introduced by Brewster, a bill for an Act entitled, "An Act to repeal Section 1792 of the Revised Codes, relating to the publication of marks and brands, and to provide in lieu

thereof for the recording of marks and brands and the publication thereof", recommend that the bill do not pass.

CROUCH, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 113, being a bill for an Act to amend Sections 220, 221 and 222, and repeal Section 224 of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of Members, Officers and Employees of the Legislative Assembly", after having had the same under consideration hereby refer said bill back to the House with the recommendation that it be referred to the Committee on Ways and Means.

FRANK, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 120, being a bill for an Act entitled, "An Act requiring all mortgages, bonds for deeds, deeds of trust, contracts for the sale or purchase of property and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein", after having had said bill under consideration hereby return same to the House with the recommendation that it be submitted to the Committee on Ways and Means.

FRANK, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 99, being a bill for an Act entitled, "An Act to amend Section 8336 of the Revised Statutes of the State of Montana, 1907, relating to the definition of the crime of rape", hereby report said bill back to the House with the recommendation that the same be indefinitely postponed.

FRANK, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 139, being a bill for an Act to amend Section 7299, of the Revised Codes of Montana of 1907, and to extend the time for commencing actions for the foreclosure of mechanics liens, after having had said bill under consideration, return said bill to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 14, being a bill for "An Act providing that mortgages of real and personal property shall not be subject to taxation", after having had said bill under consideration, hereby return the same to the House with the recommendation that it be re-referred to the Committee on Ways and Means.

FRANK, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 72, being a bill for "An Act making it a crime for any person, while hunting, to maim, injure or kill, or shoot at, any person or domestic animal, intentionally, or carelessly, or negligently, and without malice, and providing punishment therefor", after having had the same under consideration, report said bill back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairamn.

Report adopted.

**MESSAGES FROM THE SENATE.**

The following messages were received and read:

January 25, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bill No. 21 has this day been passed by the Senate and is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

January 25, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

S. B. No. 54, by Sanders: A bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State for damages sustained by employees thereof, and to declare void contracts, restricting liability."

Referred to Mines and Mining.

S. B. No. 55, by Sanders: A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Statutes of Montana, relating to the sale of real estate for delinquent taxes."

Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 56, by Meyer A bill for an Act entitled, "An Act to create a State Accident Insurance, and total permanent disability fund for coal miners and employees at coal washers in the State of Montana,

and providing for the maintenance and management of the same, extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act."

Referred to Committee on Corporations other than Municipal.

S. B. No. 57, by Donlan: A bill for an Act entitled, "An Act to regulate book-making and pool-selling upon contests of skill, speed and endurance; requiring a license to engage therein; providing penalties for the violation thereof, and to repeal Section 2769, Revised Codes of Montana of 1907."

Referred to Committee on Towns, Counties and Municipal Corporations.

S. B. No. 58, by Donlan: A bill for an Act entitled, "An Act to establish a system of examination for Master and Journey-men Plumbers fixing the fees to be charged for licenses, and the disposition of the fund thus created and providing the penalties for the violation of the provisions of this Act."

Referred to Committee on Towns, Counties and Municipal Corporations.

Respectfully,

NATHAN GODFREY.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were to-day introduced, read first and second time and referred:

H. B. No. 147, by Burke: A bill for an Act entitled, "An Act to create the County of Mussellshell, designating and defining its boundaries, and providing for its organization and government, and to apportion the indebtedness existing between the said county of Mussellshell and the counties of Yellowstone and Fergus."

Referred to Committee on Towns and Counties.

H. B. No. 148, by Committee on Insurance, A bill for an Act concerning the duration and renewal of life Insurance Corporations and the number of directors thereof.

Referred to Committee on Insurance.

H. B. No. 149, by Werner: A bill for an Act entitled, "An Act to improve the sanitary conditions of Quartz Mines, by providing for the proper ventilation of the same, and providing for toilets and cleansing of said toilets and under ground stables and the removal of all filth, from the under ground workings of said mines and providing penalties for the violation of this Act."

Referred to Committee on Mines and Mining.

H. B. No. 150, by Werner: A bill for an Act entitled, "An Act to add an additional section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing to be designated as Section 4234, providing a penalty for violation of Section 4233 of the Political Code."

Referred to Printing Committee.

H. B. No. 151, by Gray: A bill for an Act entitled, "An Act to



amend Section 2759, of the Revised Statutes of Montana, of 1907, relating to the license of retail liquor dealers."

Referred to Committee on Internal Improvements.

H. B. No. 152, by Norton: A bill for an Act entitled, "An Act to create and establish a home for the care, maintenance and employment of blind men and women; providing for the location, mangement, and regulation thereof; and providing an appropriation and revenue for the maintenance of same."

Referred to Committee on State Institutions.

H. B. No. 135, by Smith: A bill for an Act entitled, "An Act to repeal Section 8368, Revised Statutes, 1907, relating to the burial of bodies."

Referred to Committee on Sanitary Affairs.

H. B. No. 154: A bill for an Act entitled, "An Act to repeal Sections 1760, 1761, 1762 and 1763, Chapter III, Article I, of the Revised Statutes of Montana, relating to the registration of deaths and births."

Referred to Committee on Sanitary Affairs.

H. B. No. 155, by Cummings of Chouteau: A bill for an Act entitled, "An Act to amend Section 402 of the Political Code of the State of Montana, relating to the distribution of the Revised Statutes and Session Laws."

Referred to Judiciary Committee.

H. B. No. 156, by Woody: A bill for an Act enittled, "An Act appropriating money for the paymfent of Deficiency Claims, for Maintenance of the State University at Missoula, Montana".

Referred to Appropriation Committee.

H. B. No. 157, by Whaley: A bill for an Act entitled, "An Act regulating the taxation of mortgaged debts and mortgaged property and the payment of taxes thereon, and making mortgages for purposes of assessment, and taxation, interests in the mortgaged property."

Referred to Committee on Ways and Means.

H. B. No. 158, by Safley: A bill for an Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana, of 1907, relating to the examination and qualification of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to status of graduates, of the State Normal Collège, and to repeal Section 964 of the Revised Codes of 1907."

Referred to Committee on Education.

#### MESSAGES FROM THE GOVERNOR.

January 26, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day received from the Treasurer of the United States a warrant for the sum of sixty-one thousand nine hundred forty-one and 6-100 dollars, this being the amount due the State of Montana as its proportion of its receipts from National Forests during the fiscal year ended June 30, 1908. This payment is

made under the provisions of the Agricultural Appropriation bill passed by Congress and approved May 23, 1908.

Transmitted herewith is a copy of a letter received from the Acting Auditor for the State and Other Departments, in which is shown the proportion of receipts from the several national forests within this State. It will be observed that under the provisions of the law referred to, this fund must be disbursed as the Legislative Assembly prescribes, for the benefit of the public schools and public roads of the county or counties in which the forest reserves are situated.

In order, therefore, that the counties affected may receive the benefit of this fund it will be necessary for this Assembly to enact a law providing for the distributing of the money and fixing the distributive share of each county. In as much as there can be no distribution otherwise, I respectfully suggest that direction also be given for the payment for the several counties of the funds that will be paid to the State on this account in the years 1909 and 1910.

The money received for the fiscal year 1908 has been by me deposited with the State Treasurer, to held until directions for its disbursement shall have been given by this Assembly.

EDWIN L. NORRIS, Governor.

Referred to Committee on Ways and Means.

(Copy)

Treasury Department, Washington January 16, 1909.

The Governor of Montana,

Helena, Montana.

Sir:—

I have the honor to advise you that I have settled an account between the United States and the State of Montana per Miscellaneous Settlements and Claims Certificate No. 1948, and found the sum of \$61,941.46 due said State. This amount has been certified to the Secretary of the Treasury, who will cause a warrant to issue therefor, which will in due course of business be transmitted to you by the Treasurer of the U. S.

This payment represents the proportion of the receipts during the fiscal year ending June 30, 1908, from the National Forests named below to which the State of Montana is entitled under the Act approved May 23, 1908 (35 Stat., 260), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 which, provides as follows:

"That hereafter twenty-five per centum of all moneys received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasurer to the State or Territory in which said reserve is situated, to be expended as the State or Territorial Legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: Provided, that when any forest reserve is in more than one State or Territory or County the distributive share to each from the proceeds of said reserve shall be proportional to its area."

Big Belt .....	\$ 4,604.77
Big Hole .....	3,680.21
Bitter Root .....	2,352.06
Cabinet .....	265.97
Crazy Mountains .....	1,783.50
Ekalaka .....	282.10
Elkhorn .....	646.79
Gallatin .....	2,023.75
Helena .....	6,023.00
Hellgate (East) .....	8,410.77
Hellgate (West) .....	220.08
Highwood Mountains .....	319.44
Kootenai .....	104.74
Lewis and Clark (North) .....	4,304.89
Lewis and Clark (South) .....	10,512.85
Little Belt .....	3,086.18
Little Rockies .....	432.41
Lolo .....	1,837.43
Long Pine .....	941.82
Madison .....	3,275.01
Missoula .....	19.38
Otter .....	2,433.76
Pryor Mountains .....	703.96
Snowy Mountains .....	968.82
Yellowstone .....	2,407.77

Respectfully,

(Signed)

G. W. ESTERLY,

Acting Auditor of State and other Departments.

Referred to Committee on Ways and Means.

#### READING OF SENATE BILLS.

Senate Bill No. 21, was received, read first and second time and referred to Judiciary Committee.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 42 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Coit, Connelly, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzell, Mitchell, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Witmer, Wood, Woody. 57.

Noes: Crouch, Derry, Elliot, Whaley. 4.

Absent and not voting: Brewster, Clayberg, Crutchfield, Frank, Hunter, King, Largey, MacGinniss, Wilham, Mr. Speaker. 10. Total 71.

House Bill No. 59 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin,

Owen, Christler, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliot, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Saffley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody.

63.

Noes: None.

Absent and not voting: Clayberg, Crutchfield, Hunter, Largey, Lehrkind, MacGinniss, Wilham, Mr. Speaker. 8. Total 71.

House resumed at 2:30.

Speaker Pro. Tem. in the chair.

Roll Call. Quorum present.

On motion of Shoemaker, House went into Committee of the Whole for consideration of House Bills 65, 47, 56, 74, 76, 79, 80 and 90.

Kilgallon in the chair.

#### HOUSE RESUMED.

Speaker Pro. Tem in the chair.

Committee of the Whole reported as follows:

January 26, 1909.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 65, being a bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish regulations therefor," recommend that said bill do pass with the following amendments: strike out the word "may" in line 28, Section 5 and insert in lieu thereof the word "shall"; Amend Section 5 by striking out in line 31 the word "or" and inserting in lieu thereof the word "and" thereof; amend Section 3 by striking out in line 16, the word "board" and inserting in lieu thereof the word "boards".

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 47, being a bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted," recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 56, being a bill for an Act entitled, "An Act amending Section 8339, Part I, Title IX, Chapter I, Penal Code of the Revised Codes of Montana 1907, relating to the punishment provided for the crime of rape," recommend that said bill do pass with the following amendment: Amend Section 1 by striking out in line 5 the word "forty" and inserting in lieu thereof the word "ninety-nine".

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 74,

being a bill for an Act entitled, "An Act to declare the 12th day of February in each year to be a legal holiday to be known and designated as Lincoln's birthday", recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 76, being a bill for an Act to provide for an examination by the Commissioner of Insurance of all Insurance Companies including surety companies, organized under the laws of this State or organized under the laws of any other state, or territory, or foreign country, and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examinations, and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907," recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 79, being a bill for an Act to amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907, relating to licenses of insurance companies and agents", recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 80, being a bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance, Ex-officio; and to provide for the appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and fix his salary and to provide for the employment of an Actuary, recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 90, being a bill for an Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the two years expiring March 1, 1909, recommend that said bill do pass.

KILGALLON, Chairman.

Report adopted.

On motion House adjourned until 10:30 to-morrow, January 27, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Twenty-Fourth Day.

Helena, Montana, January 27, 1909.

House met pursuant to adjournment at 10:30 A. M.

Speaker Pro. Tem. in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal of 23rd day read and approved.

Special order of business set at 10:30 taken up.

Edgerton announced that he was paired with Crutchfield on party measures, until Crutchfield's return.

Frank moved as a substitute to Bogart's resolution the following:  
Mr. Speaker:

I move as a substitute motion that the Special Investigating Committee be authorized to employ counsel and such other help as they may deem necessary to properly conduct the investigating of the State Land Office, and sales of state lands and timber.

FRANK.

Moved by Bogart that substitute be tabled.

Motion carried.

Frank raised the point of order that tabling the substitutes carried with it the original resolution.

Mr. Speaker decided that the point of order was well taken.

#### COMMUNICATIONS AND PETITIONS.

Petition of C. H. Clark and about one-hundred others relating to change in game laws, read and referred to Committee on Fish and Game.

#### NOTICES OF INTRODUCTION OF BILLS.

The following notices of introduction of bills were given:

By O'Donnell: A bill for an Act entitled, "An Act to provide for the selection of a site and erection of a State Hospital for sick and injured persons, to be located at or near Butte, Silver Bow County, Montana, to be called the State Hospital for injured persons, and for the management of the same.

By O'Donnell: A bill for an Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to the Compensation Allowed Deputy and Assistant County Officers.

By Werner: A bill for an Act entitled, "An Act to amend Section 8563 of Title 10, Part 1 of the Penal Code, Revised Codes of Montana, 1907, providing for penalties for failure to inspect Quartz Mines etc."

By Werner: A bill for an Act entitled, "An Act to amend Section 1722, Article 3, Chapter 2, Title 7, Part 3 of the Political Code, Revised Codes of Montana, 1907, relating to regulations of the industry of mining and providing penalties for the violation of same."

By Clayberg: A bill for an Act entitled, "An Act regulating the salaries and hours of labor of Jailors in counties of the third class, and to amend Section 3119 of the Revised Codes of Montana".

By Mitchell: A bill resting the power from the County Commissioners of each county and vesting the same in the County Surveyors for the supervision over and to the building of all county roads.

By Owenhouse: A bill for an Act appropriating money for certain buildings and improvements at the Experiment Station at Bozeman, Montana.

By Safley: A bill for an Act entitled, "An Act to amend Section 1776 of the Revised Statutes of the State of Montana, relative to Registration of Births and Deaths.



By Duncan: A bill for an Act providing that a city or town council may contract indebtedness on behalf of such city or town, by borrowing money or issuing bonds for the purpose of purchasing lands for public parks and grounds.

By Edgerton: A bill for an Act entitled, "An Act to provide for the Torrens Land Title System."

By Bogart: A joint resolution for the appointment of a committee consisting of five members of the House of Representatives and five members of the State Senate, and giving said committee full power to properly investigate the sale of certain State Lands in Flathead County, and the sale of other State Lands; to investigate the office of Register of State Lands and State Land Commissioner, and giving unto said committee full authority to incur the necessary expense in making such investigation.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs. Nos. 74, 76, 79, 80 and 90 correctly engrossed.

WARREN, Chairamn.

Report adopted.

January 27, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. No. 31, 69, 77, 78, 85, 87, 98, 100, 104 and 106 correctly printed.

O'DONNELL, Chairman.

Report adopted.

January 26, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings, etc., to whom was referred H. B. No. 103, introduced by King, being "A bill for an Act entitled, "9n Act to amend Section 1134 of the Revised Codes of the State of Montana; and to provide for the care, custody and control of insane persons and persons addicted to the use of deleterious drugs", beg leave to report the same back to the House with the recommendation that it do not pass.

SHOEMAKER, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs, to whom was referred H. B. No. 122, introduced by Smith, being an act entitled, "An Act to amend Sections 1484 and 1488 of the Revised Statutes, 1907, of the State of Montana, relative to the appointment of Board of Health", after due consideration of the same respectfully offer the enclosed bill as a substitute for House Bill No. 122, and recommend that the same pass.

HAMMOND, Chairman.

Adopted.

Mr. Speaker:

Your House Employment Committee recommend that Miss Florence M. Swan be employed from the 27th day of January.

WARD, Chairman.

Adopted.

#### REPORTS OF STANDING COMMITTEES.

January 27, 1909.

Mr. Speaker:

In view of the fact that a few members of the House seem desirous of directing the course of procedure to be followed by your Special Committee now investigating the business of the State Land Office, and in order that the House may be informed of the course being followed by the Committee, we beg leave to submit the following report:

Your Committee was appointed on January 14, and at once took up the work of examining the record of evidence taken at the hearing at Kalispell. This record consists of seven-hundred type written pages of testimony and an abstract of the testimony given by each of the forty-one witnesses has been made by your Committee, a copy of which is hereto attached.

Your Committee has also compiled from the records of the State Land Office, a complete abstract of the Lands sold by the State to certain Lumber Companies and individuals. Said abstracts showing the amount of timber on each subdivision of the land, as shown by the estimates made by the State, and also as shown by the estimates made by the purchasers of the land as well as estimates made by other individuals, copies of which abstracts are herewith submitted.

Your Committee has also employed X. K. Stout, as stenographer to take and transcribe all testimony and proceedings of this Committee for the use of the House.

After a careful study of the testimony taken at Kalispell, and the records of the State Land Office, your Committee decided to call as witnesses, all of the officers and employees connected with the State Land Offices, including members of the Board and also nine of the principal witnesses who testified at Kalispell, seven of these were subpoenaed from Kalispell and two from Helena.

In fixing the scope of the investigation, your Committee decided to determine the following questions:

First: Has the State received an adequate price for the lands and timber sold to the three companies complained of, and has it received a fair price for lands and timber sold to other companies or individuals?

Second: Will it be advisable for the State to return the purchase money and take back the title to any of the lands heretofore sold, providing such action could be legally taken?

Third: Has there been any collusion or improper conduct on the part of any State Officers, employee, or other individual?

Fourth: Have the records and proceedings of the State Board of Land Commissioners been kept and conducted as required by law, and what changes, if any, should be made in the present methods of conducting said business?

In determining these questions, your Committee has sought to avoid taking a mass of irrelevant and expensive testimony, but is determined that every pertinent fact shall be brought out and that no guilty man shall escape.

If it should develop that legal counsel is needed, your Committee would like authority to employ such help, and if it is the judgment of the House that the membership of the committee should be increased, such action will meet the approval of the Committee.

Respectfully submitted,

CLUSTON, Chairman.

### READING OF HOUSE BILLS.

The following House Bills were introduced, read first and second time and referred:

H. B. No. 159, by Thompson: A bill for an Act entitled, "An Act to repeal Section 4015 of the Revised Codes of Montana, concerning banking corporations of this State."

H. B. No. 160, by Ward: A bill for an Act entitled, "An Act to amend Sections 3808, 3825 and 3826, of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations to acquire, own, hold, mortgage, pledge and dispose of Capital Stock, bonds, securities, or other evidence of the indebtedness of other corporations."

H. B. No. 161, by Harbert: A bill for an Act to provide for the erection of docks and wharves on the navigable wharves within the State of Montana, and to provide for their management and control.

H. B. No. 162, by Owenhouse: A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a Woman's Dormitory at the Montana Agricultural College at Bozeman, Montana."

H. B. No. 163, by Owenhouse: A bill for an Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and Life Certificates.

H. B. No. 164, by Mitchell: A bill for an Act to prohibit the manufacture, making, sale, exchange, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any paper or wrapper prepared for the purpose of being filled with tobacco for smoking and prescribing penalties therefor.

H. B. No. 165, by Derry: A bill for an Act to amend Section 2841, of the Revised Codes of Montana of 1907, being Section 1 of an Act entitled, "An Act to create the county of Sanders, designate its boundaries and to provide for its organization and government." Approved February 7, 1905.

### MESSAGES FROM THE SENATE.

January 26, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

S. B. No. 59, by Committee on Public Lands: A bill for an Act providing for the management and control of the lands now owned or

hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon state lands and defining and providing for the punishment of certain offenses for violating the provisions of this Act.

Referred to Committee on State Lands.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were this day introduced, read first and second time and referred:

S. B. No. 60, by Romney (by request): A bill for an Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercises.

Referred to Committee on Education.

Respectfully,

NATHAN GODFREY, Secretary.

January 26, 1909.

Notices of the introduction of bills were this day granted as follows:

By Everett: A concurrent resolution to our Senators and Representatives in Congress requesting that proper estimates be obtained through the War Department of the requirements for the general improvement of the Upper Missouri River and its tributaries.

By Long: A bill for an Act entitled, "An Act to create the county of Cabinet, designating its boundaries and providing for its organization and government."

By Everett: A bill amending Section 4308 of the Revised Statutes of 1907, relating to the killing of live stock by railroad corporations.

By Rae: A bill for an Act to authorize Banks and Banking Institutions acting as trustee to pay over trust funds upon the death of the trustor.

By Rae: A bill for an Act to punish persons furnishing intoxicating liquors to habitual drunkards, minors or Indians.

By Selway: A bill for an Act to amend Section 1711 and 1712, of the Revised Codes of Montana of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines.

Respectfully,

NATHAN GODFREY, Secretary.

On motion of Bogart, the rules were suspended and House Joint Resolution No. 2 read.

On point of order raised by Frank, Chair ruled resolution out of order.

## THIRD READING OF HOUSE BILLS.

H. B. No. 74 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—65.

Noes: Duncan.—1.

Absent and not voting: Crutchfield, Frank, Jacobson, MacGinniss, Wilham.—5.

Total, 71.

H. B. No. 76 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood Woody, Mr. Speaker.—65.

Noes: None.

Absent and not voting: Crutchfield, Edgerton, Frank, MacGinniss, Norton, Wilham.—6.

Total, 71.

H. B. No. 79 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.

Noes: None.

Absent and not voting: Crutchfield, Edgerton, Frank, MacGinniss, McCoy, Shoemaker, Wilham.—7.

Total, 71.

H. B. No. 90 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Cummings H. T., Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinsohn, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Low-

ney, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Crutchfield, Derry, Edgerton, Frank, Gibson, Maxwell, MacGinniss, Shoemaker, Thompson, Wilham.—10.

Total, 71.

On motion House recessed until 2.30.

#### AFTERNOON SESSION.

House resumed at 2.30 P. M.

Speaker Pro Tem. in the chair.

Roll call. Quorum present.

Largey asked unanimous consent to revert to order of business.

Report of Standing Committees granted

The following reports of Standing Committees received:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 47, 56 and 65 correctly engrossed.

WARREN, Chairman.

Adopted.

January 27, 1909.

Mr. Speaker:

Your Committee on Fairs and Expositions, having had under consideration the resolution regarding the investigation of State Fair affairs, respectfully beg leave to report as follows:

After due consideration this committee recommends that the matter be referred back to the House with the further recommendation that the Speaker appoint a committee of five members of the House and request the President of the Senate to appoint a like committee of five (5) members of the Senate to act in conjunction with the committee appointed by the House.

LARGEY, Acting Chairman.

Adopted.

#### MOTIONS AND RESOLUTIONS.

Mr. Speaker:

I move that the Senate be requested to appoint a committee of two to act with a committee from the House now investigating the affairs of the State Land Office.

CLUSTON.

Moved that motion be adopted; amended by Hutchinson that it be a committee of five instead of two.

Substitute motion by Bogart:

Mr. Speaker:

I move that the Chief Clerk of the House of Representatives be instructed to notify the President of the Senate that this body has appointed a committee of five members to investigate the sales of certain lands belonging to the State of Montana situated in Flathead County and other sales of State Lands, and that it is the wish and desire of the



House of Representatives that a Senate committee of five members be appointed for the purpose of acting conjointly with the House committee already named to investigate the sales of said State lands, and to inquire fully into the conduct of the business of the State Land Office, the Register of State Lands and the Board of State Land Commissioners, and to do all acts and things deemed necessary by such joint committee to carry out such investigation. And that it is respectfully asked by this body that the Honorable Senate take early action upon this communication and request.

Mr. Speaker:

As an amendment, I move that the number contained in the substitute motion and in the original motion be stricken out.

FRANK.

Substitute carried.

Mr. Speaker ordered a copy of amended resolution transmitted to the Senate at once.

### THIRD READING OF HOUSE BILLS.

House Bill No. 65 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Herbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—66.

Noes: None.

Absent and not voting: Christler, Clayberg, Crutchfield, MacGinniss, Wilham.—5.

Total, 71.

House Bill No. 56 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody.—63.

Noes: Smith.—1.

Absent and not voting: Christler, Clayberg, Crutchfield, Frank, MacGinniss, Wilham, Mr. Speaker.—7.

Total, 71.

H. B. No. 49 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings

T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehr-kind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—64.

Noes: None.

Absent and not voting: Christler, Connelly, Crutchfield, Frank, MacGinniss, Wilham, Woody.—7.

Total, 71.

On motion House reverted to order of business.

### NOTICES OF INTRODUCTION.

By Eliel: A bill for an Act entitled, "An Act to amend Section 2742 of the Revised Codes of 1907, relating to the payment of taxes under protest.

January 27, 1909.

Mr. Speaker:

I move you that House Bill No. 80, being a bill for an Act to provide that the State Auditor shall be designated as Commissioner of Insurance ex-officio; and to provide for the appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and to fix the salary and to provide for the employment of an actuary, be recommitted to the Committee of the Whole House for further consideration and amendments.

DUNCAN.

By Berkin: A bill for an Act to regulate common carriers, and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commissioners of Montana certain powers in relation thereto.

By Duncan: A bill for an Act to amend Section 9258 of the Revised Codes of 1907, relating to the challenging of jurors by the state in criminal cases.

On motion of Norton, House went into Committee of the Whole for consideration of general orders.

Gray in the chair.

### HOUSE RESUMED.

Mr. Speaker Pro Tem., in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 80, being an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance ex-officio; and to provide for the appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary, recommend that the same do pass.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 97, being a bill for an Act to provide for fire drills in the schools of the State, recommend that the same do pass with the following amendments: Amend Section 1 by inserting after the "that" the word "in."

Section 2 as amended: A fire alarm shall be given by striking a gong, and immediately upon such alarm, the children shall be required to immediately form in lines and leave the building in an orderly manner, through the exit and exits that will most expeditiously clear the building. There shall be no certain day of the week, or hour of the day, for giving such alarms, and they shall be given without previous warning to the children. Section 3 as amended: It shall be the duty of the trustees or directors, or other persons having the control and management of any school building of the class mentioned in Section 1 of this Act, to provide one or more gongs therefor, to be placed in such manner that any teacher may give an alarm without leaving the room, or that such alarm could be given from the basement.

Each member of any Board of Trustees or Directors, or any other person, whose duty it is to install said gongs as herein provided, who fails or refuses so to do, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars.

Amend Section 6 by striking out in lines 24 and 25 the words "its passage and approval," and inserting in lieu thereof the words and figures "July 1st, 1909."

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 5, being a bill for an Act to amend Section 1413 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges, recommend that the same do pass with the following amendments:

Amend Section 1 by striking out in line 4 the word "two" and inserting in lieu thereof the word "four"; amend Section 1 by striking out in line 14 the words "twenty-five" and inserting in lieu thereof the word "five."

On motion report adopted.

GRAY, Chairman.

On motion adjourned until 10.30 A. M. Thursday, January 28, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

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## Twenty-Fifth Day.

Helena, Montana, January 28, 1909.

House met pursuant adjournment at 10:30 A. M.

Mr. Speaker Pro Tem., in the chair.

Roll call. Absent, Crutchfield, MacGinniss. Quorum present.

Journal of the 24th day read and approved.

Mr. Speaker Pro Tem. appointed Wilham, Largey, Mitchell, Werner,

Wood, a committee to act with a like committee to be appointed by the Senate to investigate State Fairs.

### NOTICES OF INTRODUCTION OF BILLS.

The following notices of introduction were given:

By Frank: A bill for an Act to amend Section 7891 of the Revised Codes of Montana of 1907, relating to witnesses.

By Kelsey: An Act entitled, "An Act to appropriate \$5,000 for improvements for the State Reform School."

By Duncan: A bill for an Act to amend Section 6384 of the Revised Codes of Montana, 1907, relating to the oath to be taken by Attorneys at Law on admission to practice.

By Witmer: A bill in relation to the duties of Game Warden when heads and pelts are confiscated.

By Giovanetti: An Act appropriating money for a certain purpose.

By Werner: A bill for an Act entitled, "An Act to amend Sections 1608, 1609, 1616 of the Revised Codes of the State of Montana, relating to the regulation and practice of Optometry in the State of Montana"

By Whaley: A bill for an Act to amend Section 2197, Revised Codes of Montana of 1907, and authorizing the State Board of Land Commissioners to invest the Permanant School Fund, Permanent University Fund, Permanent Agricultural College Fund, Permanent School of Mines Fund, Permanent State Normal School Fund, Permanent Reform School Fund, and Permanent Deaf and Dumb Asylum Fund in any State, County, City or School District securities of this State, or in any bonds issued against the State Land Grants for buildings at the Capital, or in any irrigation district bonds of the State of Montana.

By McCoy: A bill entitled, "An Act to detremine the liability of any company, corporation or individual for damages sustained by any employee thereof and to declare void contracts restricting such liability."

By Eliel: A bill for an Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenges of jurors in criminal actions.

By Wilham: A bill for an Act entitled, "An Act appropriating money to pay for the maintenance expenses of the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana, for the months of January and February, 1909, and to pay the December, 1908, payroll and to settle for certain emergency repairs and improvements owing to defective sanitary conditions of buildings."

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 5 and 97 correctly engrossed.

WARREN, Chairman.

Report received. Bills referred to third reading.

January 28, 1909.

Mr. Speaker:

Your Committee on Ways and Means, having had under considera-

tion H. B. No. 113, a bill for an Act to amend Sections 220, 221 and 222, and repeal Section 224 of Chapter 2 of Article 5 of the Political Code of the State of Montana, relating to the compensation of Members, Officers and Employees of the Legislative Assembly, report the same back with the recommendation that the Substitute Bill No. 113 offered in lieu thereof do pass.

HAMMOND, Chairman.

Report adopted.

January 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 140, introduced by Kilgallon, "A bill for an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending February 28, 1909," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

January 27, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 156, introduced by Woody, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana", having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

January 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 115, being a bill for an Act entitled, "An Act to regulate the practice of the profession of public accounting," after having had said bill under consideration, hereby report the same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

January 28, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 95, being a bill for an Act entitled, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue," after having had said bill under consideration, report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

January 27, 1909.

Mr. Speaker:

We, your Committee on Corporations Other Than Municipal, having had under consideration H. B. No. 93, introduced by Gray, a bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of

Montana, relating to power of corporations to change the corporate name," recommend the bill do pass.

PIERSON, Chairman.

Report adopted.

January 28, 1909.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration H. B. No. 62, introduced by Gray, entitled, "An Act requiring County Commissioners to employ a suitable person to investigate and report for taxation property that has for any reason escaped taxation," hereby report said bill back to the House and respectfully recommend that it be indefinitely postponed.

HAMMOND, Chairman.

Report adopted.

January 27, 1909.

Mr. Speaker:

We, your Committee on Corporations other than Municipal, having had under consideration H. B. No. 133, introduced by Byrnes, a bill for an Act entitled, "An Act relating to the proof of corporate existence and providing for the manner of proving the corporate character of any corporation, domestic or foreign," recommend that the bill be re-referred to the Judiciary Committee.

PIERSON, Chairman.

Report adopted.

January 28, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 26, 34, 58, 105, 107 and 123 correctly printed.

O'DONNELL, Chairman.

Hammond, from Committee on Sanitary Affairs, asked that H. B. No. 83 be re-referred to Committee on Live Stock and Public Ranges. So ordered.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second time and referred:

H. B. No. 166, by Duncan: A bill for an Act entitled, "An Act providing that a town or city council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing lands for public city or town park and grounds."

Referred to Judiciary Committee.

H. B. No. 167, by Safley: A bill for an Act entitled, "An Act to amend Section 1776 of the Revised Statutes of the State of Montana relative to registration of births and deaths."

Referred to Committee on Sanitary Affairs.

H. B. No. 168, by Werner: A bill for an Act entitled, "An Act to amend Section 8563, of Title 10, Part 1, of the Penal Code, Revised Codes of Montana, 1907, providing for certain penalties for violation of same in relation to quartz mining."

Referred to Committee on Mines and Mining.



H. B. No. 169, by Werner: A bill for an Act entitled, "An Act to amend Section 1722, Article 3, Chapter 2, Title 7, Part 3, of the Political Code, Revised Codes of Montana, 1907, relating to regulation of the industry of mining, and providing penalties for violation of same."

Referred to Judiciary Committee.

H. B. No. 170, by Eliel: A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license.

Referred to Judiciary Committee.

H. B. No. 171, by Eliel: A bill for an Act entitled, "An Act to amend Section 2742 of the Revised Codes of 1907, relating to the payment of taxes under protest."

Referred to Judiciary Committee.

H. B. No. 172, by O'Donnell: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to the compensation allowed to Deputy and Assistant County Officers."

Referred to Judiciary Committee.

H. B. No. 173, by Harbert: A bill for an Act entitled, "An Act requiring all saloons and places where intoxicating liquors are sold or in any manner dispensed under a license issued under the laws of the State of Montana, to be and remain closed from and after one o'clock A. M. and until six o'clock A. M.

Referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

The following messages were received:

January, 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bills Nos. 6 and 9 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

January 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. No. 61, by Rae: A bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana of 1907, in regard to the furnishing of intoxicating liquor to habitual drunkards, minors or Indians."

Referred to Committee on Public Morals.

S. B. No. 62, by Selway: A bill for an Act entitled, "An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines."

Referred to Committee on Mines and Mining.

S. B. No. 63, by Kessler: A bill for an Act entitled, "An Act to

amend Sections 1575, 1576, 1577, 1580, 1581, 1582 and 1584 of the Revised Codes of the State of Montana and to repeal certain sections relating to the practice of dentistry in the state, and to provide for further regulations with reference to the practice of dentistry in the said State of Montana."

Referred to Committee on Agriculture and Manufactures.

S. B. No. 64, by Edwards: A bill for an Act entitled, "An Act to amend Section 4308 of the Revised Codes of 1907 relating to the killing of live stock by railway corporations."

Referred to Committee on Railroads and Transportation.

S. B. No. 65, by Long: A bill for an Act entitled, "An Act to create the County of Cabinet, designate its boundaries, and provide for its organization and government."

Referred to Committee on Towns, Counties and Municipal Corporations.

S. B. No. 66, by Rae: A bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by the Board of County Commissioners."

Referred to the Committee on Roads, Highways and Bridges.

Senate Concurrent Resolution No. 1, by Everett: A resolution to the Senators and Representatives in Congress requesting that the proper estimates be obtained through the War Department of the requirements for the general improvement of the Upper Missouri River and its tributaries.

Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY, Secretary.

January 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of bills were this day given as follows:

By Long: A bill for an Act entitled, "An Act to prevent discrimination by surety companies."

By Meyer: A bill entitled, "An Act enlarging the powers of Companies now or hereafter to be formed under the provisions of an Act entitled 'An Act authorizing the incorporation of Endowment and Investment Companies, approved March 7, 1905.'"

Respectfully,

NATHAN GODFREY, Secretary.

#### NOTICES AND RESOLUTIONS.

On motion of O'Donnell, MacGinnis was excused for past and present absence.

Concurrent Resolution No. 4 was read first and second time and referred to Committee on Railroads and Transportation.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 80 read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Eliel, Garber, Gibson, Gray, Hall, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Maxwell, Metzel, Mitchell, O'Donnell, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Werner, White, Witmer, Wood.—42.

Noes: Allen, Berkin, Cluston, Crouch, Dowling, Elliott, Frank, Giovanetti, Groff, Hammond, Hanifen, King, Lowney, Murray, Norton, Pierson, Roy, Ward, Whaley, Wilham, Woody.—21.

Absent and not voting: Christler, Crutchfield, Hayes, MacGinniss, McCoy, Swick, Warren, Mr. Speaker.—8.

Total, 71.

House Bill No. 5 read third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—59.

Noes: Arnett, Connelly, Jacobson, O'Donnell.—4

Absent and not voting: Christler, Crutchfield, Frank, Hayes, Hutchinson, MacGinniss, Swick, Warren.—8.

Total, 71.

House Bill No. 97 read a third time and passed by the following vote

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—65.

Noes: None.

Absent and not voting: Christler, Crutchfield, Frank, MacGinniss, Swick, Warren.—6.

Total, 71.

#### AFTERNOON SESSION.

House resumed at 2.30 P. M.

Speaker Pro Tem. in the chair.

Roll call. Quorum present.

Duncan moved the following:

Mr. Speaker:

I move you that the vote by which House Bill No. 80, being "An Act to provide that the State Auditor shall be designated as Commis-

sioner of Insurance, ex-officio; and to provide for the appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an Actuary," was passed on its third reading at this morning's session of this House, be reconsidered.

Motion carried.

Pierson made the following amendment to H. B. No. 80:

Mr. Speaker:

I move to amend H. B. No. 80, by adding to Section 1, line 8, of the printed bill, after the word "ex-officio", the following:

"Provided, that nothing herein contained shall be construed to authorize an increase of the number of employees in said office, and the office of Insurance Clerk is hereby abolished."

Also to strike out in line 9, Section 2 of the printed bill, the words "Auditor and Commissioner of Insurance" and in place thereof insert the words "authorized by this Act," so that said Section shall read:

"Said Deputy authorized by this Act shall receive a salary of twenty-one hundred dollars (\$2100.00) per annum."

On motion adopted, and H. B. No. 80 re-referred to Engrossing Committee.

Shomeaker introduced House Joint Resolution No. 3, which was read and on motion of Pierson was tabled.

On motion House went into Committee of the Whole.

Hayes in the chair.

#### HOUSE RESUMED.

Speaker Pro Tem. in the chair.

Committee of the Whole reported as follows

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 28, being a bill for an Act entitled, "An Act relative to Commission Merchants or persons selling agricultural and horticultural products, or farm produce on commission," recommend that said bill be concurred in.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 38, being a bill for an Act amending Sections 4872 and 4873 of the Revised Codes of Montana, 1907, and being Sections 4 and 5 of Chapter 185, of the Session Laws of 1907, approved March 9, 1907, relating to the appropriation of water, and providing for the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines, recommend that said bill do pass with the following amendments:

Amend Section 1 by striking out in line 4 the figures "4872" and inserting in lieu thereof the figures "4871."

Amend Section 1 by striking out in line 1 the figures 4872 and inserting in lieu thereof the figures "4871."

Amend Section 2 by adding after word "appropriated" in line 52, "and said clerk of the court shall notify by mail all persons having adjudicated rights to water in said stream of the intended appropriation."

Amend Section 2 by striking out in line 13 the figures "4873" and inserting in lieu thereof the figures "4872."

Amend Section 2 by striking out in line 16 the figures "4873" and inserting in lieu thereof the figures "4872."

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 40, being a bill for an Act to amend Sections 2054 and 2055, of the Revised Codes of Montana of 1907, relating to the letting of contracts by County Commissioners for the care, support and maintenance of the county poor, recommend that said bill do pass with the following amendments:

Amend Section 1 by inserting the word "indigent" before the word "sick" in lines 7 and 9.

Amend Section 1, line 10, by inserting the word "printed" between the words "newspaper" and "in."

Amend Section 2 by inserting the word "indigent" in line 17 of Section 2 before the word "sick."

HAYES, Chairman.

Report adopted.

On motion of Gray, House resolved itself into Committee of the Whole.

Shoemaker in the chair.

#### HOUSE RESUMED.

Speaker Pro Tem. in the chair.

Committee of the Whole reported as follows:

Your Committee of the Whole, to whom was referred Substitute for House Bills 24 and 32, recommend that the bill be referred back to the Committee on Fish and Game.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 31, being a bill for an Act to declare and make the 12th day of October of each and every year a public holiday to be known as "Columbus Day," recommend that said bill do pass.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 69, being a bill for an Act entitled, "An Act to amend Section 3315 of Article 7, Chapter 3, Title 3, Part 4, of the Political Code, Revised Code of Montana, relating to the qualification of police officers by providing for salary of same," recommend that said bill do pass with the following amendments:

Amend Section 1 by striking out in lines 9 and 10 the words "of the first class" and inserting in lieu thereof the words "in cities having a population of over thirty thousand."

SHOEMAKER, Chairman.

Adopted by the House.

On motion House adjourned until 10.30 tomorrow, January 29, 1909.  
Attest: CHAS. Z. POND, Chief Clerk.

## Twenty-Sixth Day.

Helena, Montana, January 29th, 1909.

House met pursuant to adjournment at 10.00 A. M.

Mr. Speaker in the chair.

Roll call. Brewster, Crutchfield, Harbert absent. Quorum present.

Journal of the 25th day read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Berkin: A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana, 1907, authorizing and empowering the State Game and Fish Warden to create additional game and fish districts, and to appoint additional Special Deputy Game Wardens."

By Gray: A bill for an Act entitled, "An Act to amend Section 9594, Revised Statutes, relating to Jury trials."

By Gray: A bill for an Act entitled, "An Act to amend Section 1497, Revised Code, relating to Health Officer."

By Connelly, Christler, Pierson and Gray: A bill for an Act entitled, "An Act to provide for the apportionment of Membership and Representation of the several counties of the State of Montana, in the House of Representatives of Legislative Assemblies, and to fix the number of members thereof."

By Gibson: A bill for "An Act to amend Section 6800 of the Revised Codes, relating to signing and entering judgment."

By Gibson: A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from Police and Justices Court.

By Norton: A bill for an Act entitled, "An Act to amend Section 3206 of the Revised Codes of Montana of 1907, relating to the classification of cities and towns."

By Hunter: A bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana of 1907, relating to the punishment for attempt to commit crime."

By Mitchell: An Act entitled, "An Act appropriating five thousand dollars (\$5,000.00) for the erection of a new dining-room in connection with and in addition to the present one at the State Capitol."

By Clayberg: A bill for an Act entitled, "An Act to create and establish a Law Department in the University of Montana, and to make an appropriation for the maintenance thereof."

By Woody: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana 1907, relating to the salary and compensation of deputy county officers and assistants."

By Jacobson: A bill for an Act to amend Sections 2268, 2270, 2271 and 2272 of the Revised Codes of Montana of 1907, relative to reclamation of State arid lands.

By Safley: A bill for an Act to amend Section 1770 of the Revised Codes of Montana of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death.

By Clayberg: A bill for an Act entitled, "An Act to provide for the



collection of an exhibit of the resources and products of the State of Montana, at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in 1909, and providing an appropriation therefor."

By Berkin: A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of state institutions, defining his duties and fixing his salary.

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor."

By Kilgallon, from Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of Capitol Building and Grounds Maintenance and Care."

By Norton: A bill for an Act to amend Section 3238 of the Revised Codes of Montana of 1907, relating to official bonds of officers of cities.

By Brewster: A bill for an Act to provide for the gathering and sale of horses, mules and asses, the ownership of which is uncertain or unknown.

By Norton: A bill for an Act concerning tree planting and Arbor Day and to amend Section 1022 of the Revised Codes of Montana of 1907.

#### REPORTS OF STANDING COMMITTEES.

January 28, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 43, introduced by McCoy, entitled, "A bill for an Act to amend Article 1, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of United States Senators," recommend that the same do pass.

McCOY, Chairman.

Moved that the report be adopted. Moved as a substitute that the minority report be adopted. Minority report lost and majority report adopted.

January 29, 1909.

Mr. Speaker:

We, the undersigned, minority members of your Committee on Privileges and Elections, which has had under consideration H. B. No. 43, relating to the election of United States Senators, recommend that it be laid on the table.

EDGERTON,  
COIT,  
CUMMINGS, H. T.

January 28, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 134, introduced by Largey (by request), entitled, "A Bill for an Act to amend Sections 3211, 3212, and 3214 of Article 1,

Chapter 3, Title 3, Part 4, of the Political Code of the State of Montana of the compilation of 1907, to the election of officers of cities of first, second and third class," recommend that the bill be indefinitely postponed.

McCOY, Chairman.

Report adopted.

January 28, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 63, introduced by McCoy, entitled, "A bill for an Act to amend Subdivision 1 of Section 1161 of the Political Code of the State of Montana, relating to proclamations of election by the Governor," recommend that the same do pass.

McCOY, Chairman.

January 29, 1909.

Mr. Speaker:

We, the undersigned, minority of your Committee on Privileges and Elections having had under consideration H. B. No. 63, relating to proclamations of election by the Governor, recommend that the same be laid on the table.

EDGERTON  
COIT.

CUMMINGS, H. T.

Moved by McCoy that majority report be adopted. Amended by Edgerton that the minority report be substituted. Minority report lost, majority report adopted.

January 28, 1909.

Mr. Speaker:

We, your Committee on Labor, to whom was referred H. B. No. 71, a bill for an Act entitled, "An Act regulating the hours of labor in State Institutions," beg leave to report the same back to the House with the recommendation that it do pass.

HAYES, Chairman.

On motion report adopted.

January 28, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 44, introduced by McCoy, entitled, "A Bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana, of 1907, in relation to form of ballots to be used, recommend that the same do pass.

McCOY, Chairman.

January 29, 1909.

Mr. Speaker:

We, the undersigned minority members of your Committee on Privileges and Elections, having had under consideration H. B. No. 44 in

relation to form of ballot to be used, recommend that the same be laid on the table.

EDGERTON

COIT

CUMMING, H. T.

Moved by McCoy that majority report be adopted. Amended by Edgerton that the minority report be substituted. Amendment lost. Majority report adopted.

January 29, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 113, being a bill for an Act to amend Section 882 of the Revised Codes of Montana of 1907, relating to the letting of contracts by school trustees", after having had said bill under consideration, hereby report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

On motion report adopted.

January 29, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 160, being a bill for an Act entitled, "An Act to amend Sections 3808, 3825, and 3826 of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations to acquire, own, hold, mortgage, pledge, and dispose of Capital Stock, Bonds, Securities, or other evidences of indebtedness of other corporations", after having had said bill under consideration, hereby report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

On motion adopted.

January 28, 1909.

Mr. Speaker:

Your Committee on Fish and Game having had under consideration H. B. No. 37, introduced by Berkin, a bill for an Act entitled, "An Act to require Paddle wheels or Screens to be placed in ditches, canals or other artificial means used to divert water, recommend that the same do pass.

BERKIN, Chairman.

On motion adopted.

January 29, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 133, being a bill for "An Act to amend subdivision 10, of Section 6393, of the Revised Codes of Montana of 1907, exempting licensed undertakers from acting as jurors", after having had said bill under consideration, hereby report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

On motion adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs. Nos. 31, 38, 40 and 69 correctly engrossed.

WARREN, Chairman.

Adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration H. B. No. 154, introduced by Smith, entitled "A Bill for an Act to repeal Sections 1760, 1761, 1762 and 1763, Chapter 3, Article 1, of the Revised Statutes of the State of Montana, 1907, relating to the registration of deaths and births.

After due consideration of the same respectfully recommend the same do pass.

HAMMOND, Chairman.

On motion adopted.

January 29, 1909.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration S. B. No. 12, introduced by McCone, being a bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII, of the Constitution of the State of Montana, relating to Revenue and Taxation, "recommend that it be concurred in.

HAMMOND, Chairman.

On motion adopted.

January 29, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred H. B. No. 142, introduced by Norton, a bill for an Act entitled, "An Act to amend Section 3478 of Article II, Chapter 6, Title 3, Part 4 of the Political Code of Montana", An Act relating to unplatted Tracts of land in cities and towns, and giving City Councils the right to have the same platted, having had same under consideration, recommend that it do pass.

BURKE, Chairman.

Adopted.

January 28, 1909.

Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 108, introduced by Berkin, being a bill for an Act entitled, "An Act authorizing persons who are the owners, lessees, or who otherwise control the land surrounding any lakes or ponds, in the State of Montana and who have established fish hatcheries on the shores of such lakes or ponds to catch fish therein, and to sell or offer for sale the same, and to ship the same out of the State, recommend that the same do pass as amended.

BERKIN, Chairman.

Amend the Title of H. B. No. 108, being an Act entitled, "An Act authorizing persons who are the owners, lessees, or who otherwise con-

trol the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and to ship out of the State", by striking out the last clause thereof, to-wit:

"And to ship the same out of the State" and inserting in lieu thereof, the words, "Within the State of Montana, prohibiting the shipping and sale of such fish out of the State and providing punishment for the violation of this Act."

Amend Section 1 thereof, by striking out the words "And may ship the same out of the State of Montana", in lines 23 and 24, and inserting in lieu thereof the words "within the State of Montana".

Amend Section 1, by striking out the words "or shipping of the said fish" found in line 25 of said bill.

Amend Section 1 by adding to said Section at the conclusion thereof, the words "And providing further that none of the fish so caught shall be sold or shipped out of the State of Montana".

Amend Section 2, by striking out in lines 3 and 4 on page 2 thereof the words "And of the number of pounds of fish shipped out of the State of Montana".

Amend said bill by adding thereto the following Sections immediately after Section 2.

Section 3. Nothing in this Act shall be so construed as to prohibit any person from catching fish with a hook and line in any such lakes or ponds.

Section 4. Any person or persons who shall violate any of the Provisions of this Act, by selling or shipping or causing to be sold or shipped out of the State of Montana any fish caught as herein provided, shall be guilty of a misdemeanor and punishable by fines of not less than Twenty-five Dollars, nor more than Five Hundred Dollars, or by imprisonment in the county jail, not more than six months, or by both such fines or imprisonment.

Amend Section 3 of this bill by striking out the figure 3 after the word "Section" in line 5 on page 2 thereof, and inserting in lieu thereof the figure "five".

On motion adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration H. B. No. 164, introduced by Mitchell, entitled, "A bill for an Act to prohibit the manufacture, making, sale, exchange, barter, disposition, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any paper or wrapper prepared for the purpose of being filled with tobacco for smoking and prescribing penalties therefor", after due consideration of the same respectfully recommend that the same do pass.

HAMMOND, Chairman.

On motion adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration

H. B. 154, introduced by Smith, entitled, "A bill for an Act entitled, An Act to repeal Section 8368, Revised Statutes, 1907, relating to the burial of bodies", after due consideration of the same respectfully recommend that the same do pass.

HAMMOND, Chairman.

On motion adopted.

January 29, 1909.

Mr. Speaker:

We, your Committee on Printing, having had under consideration H. B. No. 150, introduced by Werner, a bill for an Act entitled, "An Act to add an additional section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing to be designated as Section 4234, providing a penalty for violation of Section 4233 of the Political Code, respectfully recommend that the bill do pass.

O'DONNELL, Chairman.

January 29, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities to whom was referred H. B. No. 2 and No. 102, introduced by King, hereby submit a substitute bill at the request of King of Silver Bow, a bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bets or wager upon the result of any contest of speed or skill or endurance of any animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same," and recommend that such Substitute do pass.

On motion adopted.

BURKE, Chairman.

January 29, 1909.

Mr. Speaker:

I ask unanimous consent, under suspension of the rules, to introduce a bill of importance to the Government of the State of Montana.

LARGEY, Chairman.

### INTRODUCTION OF BILLS.

The following bills were this day read first and second time and referred:

H. B. No. 174, by Duncan: A bill for an Act entitled, "An Act to amend Section 6384 of the Revised Codes of Montana 1907, (Section 393 of the Code of Civil Procedure) relating to the oath to be taken by attorneys at law on admission to practice."

Referred to Judiciary Committee.

H. B. No. 175, by Whaley: A bill for an Act to amend Section 2197, Revised Codes of Montana of 1907, and authorizing the State Board of Land Commissioners to invest the Permanent School Fund, Permanent University Fund, Permanent Agricultural College Fund, Permanent School of Mines Fund, Permanent State Normal School Fund, Permanent Reform School Fund and Permanent Deaf and Dumb Asylum Fund in



any State, County, City or school district securities of this State, or in any bonds issued against the State Land Grant for buildings at the Capital, or in any irrigation district bonds of the State of Montana

Referred to Committee on State Boards and Officers.

H. B. No. 176, by Edgerton: A bill for an Act entitled, "An Act to provide for the Torrens Land Title System."

Referred to Judiciary Committee.

H. B. No. 177, by Eliel: A bill for an Act to amend Section 9258, of the Revised Codes of Montana of 1907, relating to the challenge of Jurors in criminal actions.

Referred to Judiciary Committee.

H. B. No. 178, by Werner: A bill for an Act entitled, "An Act to amend Sections 1608, 1609, and 1616 of the Revised Codes of the State of Montana, relating to the regulation and practice of optometry in the State of Montana."

Referred to Committee on Sanitary Affairs.

H. B. No. 179, by Gray (by request): A bill for an Act entitled, "An Act to provide for the registration and examination of all trained nurses, fixing the number, duties and qualifications of said Board and Providing for nurses and fixing penalties for the violation of said Act."

Referred to Committee on Sanitary Affairs.

H. B. No. 180, by Giovanetti: A bill for an Act entitled, "An Act appropriating money for the purchase and improvement of grounds for the Montana State School of Mines, located at Butte, Montana."

Was read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 181, by Duncan: A bill for an Act entitled, "An Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenging of trial jurors in criminal actions."

Referred to Committee on Judiciary.

H. B. No. 182, by Berkin: A bill for an Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in regulation thereto.

Referred to Committee on Railroads and Transportation.

H. B. No. 183, by Owenhouse: A bill for an Act—An Act appropriating money for certain buildings and improvements at the Experiment Station at Bozeman, Montana.

Was read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 184, by Wilham: A bill for an Act entitled, "An Act appropriating money to pay the maintenance, expenses of the Montana School for the Deaf, Blind and Feeble minded at Boulder, Montana, for the months of January and February, 1909, and to pay the December, 1908, payroll, and to settle for certain emergency repairs and improvements owing to defective sanitary conditions of buildings.

Was read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 185, by Committee on State Lands: A bill for an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection, and disposition of the timber growing thereon and the coal, oil, and minerals therein; Providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State Lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act.

Referred to Committee on Conservation of Resources.

H. B. No. 186, by O'Donnell: A Bill for an Act entitled "An Act to provide for the selection of a site for the erection of a State Hospital to be located at or near Butte, Silver Bow County, Montana to be called the "State Hospital for Injured Persons", and to provide for the management of the same."

Was read first time by title, second time at length and referred to Committee on State Institutions.

H. B. No. 187, by Kelsey: A bill for an Act to appropriate Five Thousand Dollars for Improvements at the State Reform School. Was read first time by title, second time at length, and referred to Appropriation Committee.

### COMMUNICATIONS.

Helena, Montana, January 29, 1909.

To the Honorable House of Representatives of the State of Montana. Gentlemen:

I would again call your attention to my request that each of you should give a sitting for a photograph at Taylor's Studio on Main Street, that a group picture may be made up of the Eleventh Legislature. These group pictures have been secured for the ten previous legislatures, and form a very valuable portion of the historical records of the State.

I trust each one of you will find it convenient to attend to this at a very early date.

Yours respectfully,

Wm. S. BELL, Librarian.

### RESOLUTION.

Helena, Montana, January 29, 1909.

Mr. Speaker and Gentlemen of the House:

Be it Resolved: That the uncalled for attack made on Attorney General Galen by the gentleman from Lewis and Clark County, be stricken from the records of the House.

The prevailing sentiment among the most of our members seems to be and is of a sympathetic nature with our Attorney General, who has filled his office with the greatest efficiency and therefore I ask the House to unanimously consent to this resolution and vote that the

Resolution of yesterday the twenty-eighth be stricken from the records of the House.

MITCHELL.

Norton moved that when House adjourned, it adjourn until 2:30 p. m., Monday, February 1.

On motion recessed until 2 p. m.

#### AFTERNOON SESSION.

House resumed at 2:30 p. m.

Mr. Speaker in the chair.

Mr. Speaker by unanimous consent introduced Professor Hamilton of the Agricultural College, who invited the members of the House to visit the Agricultural College next Saturday.

#### MESSAGES FROM THE SENATE.

January 28, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills No's 30, 32, 42, 43, and 46, have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

January 28, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Concurrent Resolution No. 3 was read first and second time and on motion was concurred in and is herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

January 29, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable Body that Senate Joint Resolution No. 2, introduced by Cowgill, read and adopted by the Senate and is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

January 29, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: House Bills No's. 3 and 25 having been read three several times and concurred in are herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

January 28. 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: notices of the introduction of bills were this day given as follows:

By Donlan: A bill for an Act to secure liens to mechanics, labors, horse-shoers and wagon builders and repairers.

By Long: A bill relating to a system of banking and providing a fund guaranteeing the deposits and depositors in the Banks of this State.

By Edwards: A bill for an Act entitled, "An Act to amend Section 4363 of the Revised Codes of Montana of 1907, relating to the Board of Railroad Commisisoners, so as to provide for the appointment by the Governor of the incumbents in said offices, instead of their election."

By Annin: A bill for an Act to amend Section 904 of the Revised Codes of Montana of 1907, relating to construction of teachers' contract with respect to legal holidays.

Respectfully,

NATHAN GODFREY, Secretary.

January 28. 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: the following bills were introduced, read a first and second time and referred

S. B. No. 67, by Long: A bill for an Act entitled, "An Act to prevent discrimination by surety companies."

Referred to Judiciary.

S. B. No. 68, by Meyer: A bill for an Act entitled, "An Act enlarging the powers of company now or hereafter to be formed under the provisions of an Act entitled An Act authorizing the incorporation of endowment and investment companies", approved March 7, 1905 etc.

Referred to Committee on Judiciary.

S. B. No. 69, by Kessler: A bill for an Act to amend Paragraph 3, of Section 899, Article VI, Chapter VII, of the Political Code, relating to taking the school census and providing penalties.

Referred to Committee on Education.

Respectfully,

NATHAN GODFREY, Secretary.

January 29, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: notice of the introduction of a bill was this day given as follows:

By McCone: A bill for an Act relating to the Government, management, control and finances of the University of Montana, Montana State Normal School, Agricultural College, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 635, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264 of the Revised Codes of Montana of 1907.

Respectfully,

NATHAN GODFREY, Secretary.

January 29, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: That to day the President appointed Senators Cowgill,, Truscott, Selway, Sykes and Cockrell to act co-jointly with a like committee from the House in the investigation of the business of the Satte Land Office.

Also the President to-day appointed Senators Selway to act with the two members of the House to investigate the State Orphans' Home at Twin Bridges, Montana as asked for by House Resolution No. 3.

Respectfully,

NATHAN GODFREY, Secretary.

Largey asked unanimous consent to introduce a bill. Consent granted and bill introduced, read first and second time and referred.

H. B. No. 188, by Largey: A bill for an Act to provide for a state levy of taxes for the support of the Government of the State of Montana for the years 1909 and 1910, and to provide for a state levy of taxes for the years 1909 and 1910 for the payment of interest on, and to create a sinking fund redemption of bonds issued by the State of Montana.

Referred to Committee on Ways and Means.

Frank by unanimous consent amended H. B. 160, as follows:

Amend Subdivision 9 of Section 1 of H. B. 160 by inserting the words: "9". The insurance of human life, dealing in annuities," after the word "risks" at the end of Section 8.

On request of Duncan H. Bs. Nos. 108 and 37 were referred to Committee on Fish and Game.

### READING OF SENATE BILLS.

S. B. No. 2, by Cowgill: A bill for an Act entitled, "An Act to detach Teton County from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two Judges in the said Eighth Judicial District, one of whom shall keep his chambers at Chouteau, Teton County.

Read first and second time and referred to Judiciary Committee.

S. B. No. 43, by Albright: A bill for an Act entitled, "An Act authorizing the State Auditor to issue duplicate warrants where the original warrants have been lost or destroyed."

S. B. No. 42, by McCarthy: A bill for an Act entitled, "An Act to amend Section 1307 of the Revised Codes of Montana of 1907, concerning Farmers Institutes."

Read first and second time and referred ot Committee on Agriculture and Manufacture.

### THIRD READING OF HOUSE BILLS.

H. B. No. 38 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Elliot, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind,

Lowney, Metzel, Mitchell, Murray, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker,—52.

Noes: None.

Absent and not voting: Christler, Cluston, Coit, Crutchfield, Cummings H. T., Derry, Eliel, Garber, Gibson, Hanifen, Harbert, Maxwell, MacGinniss, McCoy, Owenhouse, Smith, Thompson, Swick, Whaley,—19. Total 71.

H. B. No. 80 was read a third time and passed by the following vote:

Ayes: Arnett, Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliot, Giovanetti, Gray, Groff, Hall, Hammod, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker,—56.

Noes: None.

Absent and not voting: Christler, Cluston, Coit, Crutchfield, Eliel, Frank, Garber, Gibson, Harbert, MacGinniss, McCoy, O'Donnell, Shoemaker, Smith, Whaley,—15.

Total 71.

H. B. No. 40 was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Clayberg, Connelly, Cummings T. A., Dowling, Duncan, Edgerton, Frank, Gray, Hall, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Murray, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker,—38.

Noes: Allen, Berkin, Crouch, Elliot, Giovanetti, Groff, Hammond, Hayes, Hunter, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, Norton, O'Donnell, Roy,—18.

Absent and not voting: Christler, Cluston, Coit, Crutchfield, Cummings, H. T., Derry, Eliel, Garber, Gibson, Hanifen, Harbert, MacGinniss, McCoy, Smith, Whaley,—15. Total 71.

H. B. No. 31 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Berkin, Burke, Byrnes, Clayberg, Connelly, Cummings H. T., Cummings T. A., Dowling, Edgerton, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Murray, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Wood, Woody, Mr. Speaker,—41.

Noes: Bogart, Brewster, Butzerin, Crouch, Duncan, Elliott, Hunter, Hutchins, Jacobson, Kelsey, Pomeroy, Shaw, Witmer,—13.

Absent and not voting: Christler, Cluston, Coit, Crutchfield, Derry, Eliel, Frank, Garber, Gibson, Groff, Harbert, Maxwell, Mitchell, MacGinniss, McCoy, Shoemaker, Smith,—17. Total 71.



S. B. No. 28 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Byrnes, Clayberg, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Thompson, Swick, Ward, Warren, Werner, White Wilham, Witmer, Woody, Mr. Speaker,—50.

Noes: Shaw, Wood,—2.

Absent and not voting: Bogart, Butzerin, Christler, Cluston, Coit, Crutchfield, Cummings H. T., Derry, Eliel, Garber, Gibson, Hanifen, Harbet, Murray, MacGinniss, McCoy, Shoemaker, Smith, Whaley,—19. Total 71.

Mr. Speaker ruled that H. B. No. 69 had never been reported favorably by Standing Committee and had never been placed on general orders by vote of the House, therefore could not be considered as having passed the Committee of the Whole, consequently was not correctly on third reading.

On motion of Norton H. B. No. 69 was placed on general orders.

Chair appointed Groff and Kelsey members of Joint Committee to visit Orphans' Home.

Communication from Cowgill that Committee on Land Irrigation be allowed to employ an attorney.

Moved that communication be referred to Committee on State Lands.

Moved as substitute by Shoemaker that request be granted.

Substitute lost, and communication referred to Committee on State Lands.

On motion of Norton House adjourned until 2:30 P. M., Monday February 1.,

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Twenty-Ninth Day.

Helena, Montana, February, 1st, 1909.

House met pursuant to adjournment at 2:30 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call; absent, Butzerin, Coit, Crutchfield, Frank, Woody. Quorum present.

Pomeroy announced that he had paired with Woody on all party questions.

Journal read and approved.

## COMMUNICATIONS AND PETITIONS.

A petition was received from the Belt Rod and Gun Club, signed by about 30, relating to the protection of game.

Referred to Committee on Fish and Game.

Gray moved that H. B. No. 77 be placed on General Orders. Motion carried.

Norton asked to have H. B. No. 42 referred to Judiciary Committee. Request granted.

## NOTICES OF INTRODUCTION OF BILLS.

By Lowney: A bill for an Act to amend Section 3232 of the Revised Codes of Montana 1907, relating to Judges and Clerks of Election, voting precincts and election precincts within cities and towns.

By Derry: A bill for an Act to authorize public administrators to require statements from persons and corporations having in their possession or control money, or other personal property belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred dollars.

By MacGinniss: A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana, printed as Section 3849 of the Revised Codes of Montana, 1907, relating to the method of changing place of business and number of directors by corporations organized under the laws of Montana."

By Hutchinson: A bill for an Act entitled, "An Act concerning railroads and to better protect the lives of Railroad Employees and the Traveling Public, and providing penalties for the violation thereof."

By Cummings (of Chouteau): A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."

By Brewster: A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coal and to provide for payment for loss of coal in transit."

By Arnett: A bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain, and manner of enforcement."

By Cummings (of Chouteau): A Joint Resolution on Waterways.

By Brewster: A bill for an Act entitled, "An Act to prohibit the mining, production or sale of coal for commercial purposes by railroad or transportation companies.

By Thompson: A bill for an Act prohibiting the abandonment of sheep by herders and others, and fixing penalties therefor.

By Clayberg: A bill for an Act entitled, "An Act to amend Section 6813, and to repeal Section 6818 of the Revised Codes of Montana, 1907, relating to executions."

By Gray: A bill for an Act entitled, "An Act to provide for the division of the various counties into Commissioners Districts."

By Gray: A bill for an Act entitled, "An Act to require all butter manufactured by any Creamery, and sold in packages, to show thereon the amount of butter in such packages."

By Norton: A bill for an Act to amend Section 3225, of the Re-

vised Codes of Montana of 1907, relating to the qualifications of Mayors of cities.

By Wilham: A bill for an Act entitled, "An Act to regulate the hours of labor of Telephone operators in cities and towns having a population of two thousand or over."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."

By Norton: A bill for an Act to amend Section 3223 of the Revised Codes of Montana of 1907, relating to division of cities into wards and change of boundaries.

By Witmer: A bill for an Act to amend Section 1959 of the Revised Codes of Montana of 1907, relating to the seizure and sale of game, or parts thereof, and of fish caught or held in violation of law and prescribing penalties.

By Hunter: A bill for an Act to amend Section 2601 of the Revised Codes of the State of Montana, relating to personal.

By Duncan: A bill for an Act to amend Section 3772 of the Revised Codes of Montana 1907, relating to the adoption of children from any orphans' home or asylum.

By Ward: A bill for an Act entitled, "An Act to amend Sections 3318, 3321 and 3324 of the Revised Statutes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of first class."

#### REPORTS OF STANDING COMMITTEES.

February 1, 1909.

Mr. Speaker:

Having had under consideration H. B. No. 37, referred to your Committee on Fish and Game, report the same back and recommend that the same do pass.

BERKIN, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

Having had under consideration H. B. No. 108 re-referred to your Committee on Fish and Game, report the same back and recommend that the bill do pass.

BERKIN, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. B. No. 25 as correctly enrolled.

POMEROY, Chairman.

February 1, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 89, being a bill for an Act entitled, An Act to prevent the assignment of wages earned or to be earned in the future; and to secure boarding

house keepers, lodging house keepers and merchants for necessities furnished," after having had said bill under consideration, hereby report the same back to the House with the recommendation that it do pass, after being amended as follows:

After the words "Section 2"; insert the following: "when made in consideration of money, or to secure a loan."

DUNCAN, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 51, being a bill for an Act fixing the compensation of County Commissioners, and providing that they shall occupy their entire time in the performance of the duties of their office", after having had said bill under consideration, hereby report the same back to the House with the recommendation that it be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 124, being a bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Logger's Liens," after having had said bill under consideration, hereby report same back to the House with the recommendation that it do pass.

DUNCAN, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 170, being a bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealers license", after having had said bill under consideration, hereby report same back to the House with the recommendation that it do pass.

DUNCAN, Chairman.

Report adopted.

### INTRODUCTION OF BILLS.

The following bills were read first and second time and referred:

House Joint Memorial No. 4, by Connelly, in reference to opening Croix Reservation.

Referred to Committee on State Lands.

Sub. H. B. 189, introduced by Committee on Affairs of Cities; as Substitute for House Bills 2 and 102: A bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded,

reported or registered, and providing penalties for the breach of the same."

Referred to Printing Committee.

H. B. No. 190, by Gray: A bill for an Act entitled, "An Act to amend Section 1346 of the Revised Statutes of Montana, of 1907, relating to taxes for road purposes."

Referred to Committee on Highways.

H. B. No. 191, introduced by Christler: A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of the State-wide Publicity Bureau for the State of Montana; to prescribe the selection, powers and duties of the Commissioner of Publicity; to provide for the exposition, maintenance and supervision of a Public Bureau or Bureaus of Exhibitions of the Resources, Progress and Development of Montana and to make an appropriation therefor."

Read first time by title, second time at length and referred to Committee on Improvement and Publicity.

H. B. No. 192, introduced by Gray (by request): A bill for an Act entitled, "An Act to amend Section 9594 of the Revised Codes of Montana, relating to Jury Trials."

Referred to Judiciary Committee.

H. B. No. 193, by Clayberg: A bill for an Act entitled, "An Act to create and establish a Law School, to be conducted and operated as a Department of the University of Montana, and to make an appropriation therefor."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 194, by Clayberg: A bill for an Act entitled, "An Act to provide for the collection and display of an exhibition of the Resources and Products of the State of Montana at the Alaska-Yukon-Pacific Exhibition to be held at Seattle, Wash., in 1909, and providing for an appropriation therefor."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 195, by Hunter: A bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana of 1907, relating to the punishment of attempt to commit crime."

Referred to Judiciary Committee.

H. B. No. 196, by Gibson: A bill for an Act to amend Section 6800 of the Revised Codes relating to the signing and entering judgment."

Referred to Judiciary Committee.

H. B. No. 197, by Gibson: A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from Police and Justices Court.

Referred to Judiciary Committee.

H. B. No. 198, by Safley: A bill for an Act to amend Section 1770, of the Revised Codes of Montana, 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death.

Referred to Committee on Sanitary Affairs.

H. B. No. 199, by Edgerton: A bill for an Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana by legally qualified physicians and surgeons, to be designated and paid out of the General Funds by the Board of County Commissioners of each county, the designation of such physician and surgeon to be approved by the officers of the State Board of Health.

Referred to Committee on Sanitary Affairs.

H. B. No. 200, by Brewster: A bill for an Act to provide for the gathering and sale of horses, mules and asses, the ownership of which is uncertain or unknown.

Referred to Committee on Live Stock and Public Ranges.

#### REPORTS OF STANDING COMMITTEES.

February 1, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred S. B. No. 15, being a bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

OWENHOUSE, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred S. B. No. 19, being a bill for an Act entitled, "An Act for the relief of the widow and minor children of Charles B. Peyton, a Deputy State Game Warden, who was killed while in the performance of his official duty by Indians on the 18th day of October, 1908," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

OWENHOUSE, Chairman.

Report adopted.

January 29, 1909.

Mr. Speaker:

We, your Committee on State Institutions, report back that having had under consideration H. B. No. 127, by Gray, being a bill for an Act entitled, "An Act requiring the head physician of the State Insane Asylum of the State of Montana to make report to the District Court showing the condition of the inmates of the said Asylum" and recommend that said bill be amended as follows:

1. Strike out in the title of said bill "Head Physician of the State Insane Asylum" and substitute in lieu thereof the words, "State Board of Commissioners for Insane and the Clerk thereof".

2. That Section 1 be amended by striking out the words "Head Physician in charge of the State Insane Asylum" and substitute in lieu thereof the words "State Board of Commissioners for the Insane and Clerk thereof".



3. That Section 2 be amended by striking out the words "Head Physician or physician in charge" and substitute in lieu thereof the words "State Board of Commissioners for Insane and Clerk thereof", and that the said bill as so amended do pass.

SHOEMAKER, Chairman.

Report adopted.

January 29, 1909.

Mr. Speaker:

We, your Comitée on State Institutions, Public Buildings etc., having had under consideration H. B. No. 152, introduced by Norton, being a bill for an Act entitled, "An Act to create and establish a home for the care, maintenance, and employment of blind men and women; providing for the location, management and regulation thereof; and providing an appropriation and revenue for the maintenahce of same", beg leave to report the bill back to the House with the recommendation that it do pass.

SHOEMAKER, Chairman.

On motion of Norton, bill ordered printed.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings etc., having had under consideration H. B. No. 162, introduced by Owenhouse, being a bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a Woman's Dormitory at the Montana Agricultural College at Bozeman, Montana," report favorable consideration, but recommend that it be re-referred to the Committee on Appropriations.

SHOEMAKER, Chairman.

Report adopted.

January 29, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 82, introduced by Hutchinson, a bill for an Act entitled, "An Act to amend Sections 8871, 8872, 8873 and 8874 of the Revised Codes of the State of Montana, 1907, relating to the destruction of noxious weeds and fixing a penalty for the violation thereof," recommend that the bill do not pass.

CROUCH, Chairman.

Report adopted.

February 1, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 164, 71, 93, 95, 115, 118, 122, 140, 142, 153, 154, 156, Substitute 113 and House Joint Resolution No. 1 correctly printed.

O'DONNELL, Chairman.

#### MOTIONS.

Mr. Speaker:

I move that House Bill No. 85, introduced by Committee on State Lands, being a bill for an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management,

protection and disposition of the timber growing thereon and the coal, oil, and minerals therein; providing for the management and control of the funds realized from the sale and rental of State Lands, and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners, and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State Lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act, be printed.

WHALEY.

On motion tabled.

#### COMMUNICATIONS.

February, 1, 1909.

Mr. Speaker and Members of the Eleventh Legislative Assembly:

The Montana Mining Association, now in session in the city of Helena, hereby invite all Members of the House of Representatives to be present at the meeting of the Association at 8 o'clock this evening at the Auditorium Building.

This meeting of the Association has been called mainly to consider legislation affecting the mining industry, and the members of the Association desire the presence of as many of the Members of this Assembly as can possibly be there.

Montana Mining Association,

By Owen Byrnes,

Secretary of Executive Committee.

Mr. Speaker announced that he was about to sign House Bill No. 25, and thereupon signed it in the presence of the House.

#### MESSAGES FROM THE SENATE.

February 1st, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 2, 24, 31, 47, 53 and 27 have this day been passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

#### READING OF SENATE BILLS.

The following Senate Bills have been read first and second time and referred:

S. B. No. 2, by Selway: A bill for an Act entitled, "An Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such Institutions, to be known and designated as the interest and income funds of each of said Institutions; reducing the appropriations made from the General Funds; and providing for reports by said Educational Institution of all moneys received from appropriations made to them under the laws of the United States." In the House, read first and second times and referred to the Committee on Ways and Means.

S. B. No. 24, by Donlan: A bill for an Act entitled, "An Act to

increase the duties of Commissioners of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau by Counties and by Chambers of Commerce, Commercial Board Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federal Trades Unions, and other Industrial Associations of Promotive Character; to provide for the publication and publicity of such statistics; to provide for appropriations by Counties and by the State to meet the expenses incurred in the furtherance of such purposes, and to provide for the appointment and salary of an Assistant Clerk for said Bureau." In the House, read first and second time and referred to Committee on State Boards and Officers.

Senate Bill No. 27, by Sanders: A bill for an Act entitled, "An Act requiring any person, railroad corporation or company operating a line of railway in the State of Montana to equip its locomotive engines with electric headlights of not less than fifteen hundred candle power without the aid of a reflector, and providing a penalty for the violation of this Act." In the House, read first and second time and referred to Railroads and Transportation.

S. B. No. 31, by McCone: A bill for an Act entitled, "An Act relating to Banks and Banking; providing for conversion from a State Bank to a National Bank, and surrender of its charter of a State Bank and transfer of its property; providing for an increase or decrease in the Capital Stock of such a bank; providing for compensation from a National to a State Bank." In the House, read first and second time and referred to Committee on Banks and Banking.

S. B. No. 47, by Tooley: A bill for an Act entitled, "An Act prohibiting rebating and discrimination by Life Insurance Companies and providing penalties therefor, and prohibiting the issuance of Special or Advisory Board Contracts and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142 and 4143 of the Revised Codes of the State of Montana of 1907." In the House, read first and second time and referred to Committee on Insurance.

S. B. No. 53, by Edwards: A bill for an Act to prohibit the running or conducting of dances in public dance halls or other public places of amusement on Sunday, and to provide penalties for the violation thereof. In the House, read first and second time and referred to Committee on Affairs of Cities.

On motion of Norton, House resolved itself into Committee of the Whole.

Duncan in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 12, a bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana relating to revenue and taxation," recommend that said bill do pass as amended.

Mr. Chairman:

I move to amend Section 9 in line 7 of the printed bill by striking out the word "three" and insert the words "two and one-half," and strike out all of lines 8 and 9 and words "dollar of valuation," line 10. Amend Section 3 by adding the words "and the elector shall designate his preference for either of the propositions by marking an X before the proposition desired."

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 78, "An Act to amend Sections 8474 and 8475 of the Revised Codes of Montana of 1907, making it unlawful to herd or drive live stock upon another's land, providing penalties therefor, and to give a right of action for damages," recommend that said bill do pass.

DUNCAN, Chairman.

February 1, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 85, an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana of 1907, defining legal fences," recommend that said bill be re-referred to Committee on Live Stock and Public Ranges.

DUNCAN, Chairman.

Report adopted.

On motion of Norton, House adjourned until 10.00 tomorrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Thirtieth Day.

Helena, Montana, February 2, 1909.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Absent, Crutchfield, Butzerin, Edgerton, Harbert, White,

Wood. Quorum present.

Journal read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Hutchinson: A bill for an Act entitled, "An Act to provide for a Chemist and Bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor."

By Kelsey: An Act entitled, "An Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution."

By Kelsey: An Act entitled, "An Act amending Sections 1390, 1392, 1395, and repealing Sections 1393, 1394 and 1396 of Revised Codes of

Montana of 1907, and providing for the filing of a petition for Highways, and constituting the Board of County Commissioners a Board of Viewers for the altering or discontinuance of any highway, and how the same shall be laid out and how changed or abandoned."

By Hunter: A bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate, and requiring them to devote their entire time in the performance of the duties of their office, and repealing Sections 2886, 2891, 2892 and 2893 of the Revised Codes in conflict herewith, and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected.

By Connelly: A bill for an Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains and providing the method thereof.

By McCoy: A bill for an Act entitled, "An Act appropriating moneys for the relief of certain persons, by the payment of claims of certain persons, for horses slaughtered by the Deputy State Veterinary Surgeon, in Gallatin County, Montana."

By Bogart: A bill for an Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the Board of Railroad Commissioners, or the Courts, and providing rules of evidence relating to the same.

By Byrnes: A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars in this State."

By Byrnes: A bill for an Act entitled, "An Act to amend Section 4071 of the Revised Political Code of Montana so as to impose a license tax on express companies doing business in this State."

By Duncan: A bill for an Act to conform the organization and discipline of the Organized Militia of the State of Montana to the requirements of the Act of Congress entitled "An Act to promote the efficiency of the Militia and for other purposes," approved January 21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1062, 1074, 1082 and 1100 of the Revised Codes of Montana of 1907, relating to the Militia and National Guard of Montana.

By McCoy: A bill for an Act entitled, "An Act to provide for a State Chemist and Bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary, and appropriating money therefor."

By Norton: A bill for an Act relating to the practice of Veterinary Surgery in all its branches.

By Norton: A bill for an Act relating to the salary of Chief of Police of cities.

#### REPORTS OF STANDING COMMITTEES.

February 2, 1909.

Mr. Speaker:

Having had under consideration H. B. No. 126, Substitute for House Bills 24 and 32, re-referred to your Committee on Fish and Game, re-

port the same back and recommend that the same do pass.

BERKIN, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred H. B. No. 144, introduced by A. H. Gray, A bill for an Act entitled, "An Act to amend Section 1433 of the Revised Statutes of Montana of 1907, relating to penalties for violation of Sections 1429, 1430 and 1431 of the Revised Statutes of Montana of 1907, relating to the use of Motor Vehicles," beg leave to report the bill indefinitely postponed.

BURKE, Chairman.

Report adopted.

### INTRODUCTION OF BILLS.

The following bills were today read first and second time and referred:

A Joint Resolution No. 4, by Cummings of Choteau: A Joint Resolution on Waterways. Referred to Committee on Waterways and Navigation.

H. B. No. 201, by Wilham: A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over."

Referred to Committee on Labor.

H. B. No. 202, by Woody: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of Deputies to County Officers and Assistants."

Referred to Judiciary Committee.

H. B. No. 203, by Ward: A bill for an Act entitled, "An Act to amend Sections 3318, 3321 and 3324 of the Revised Statutes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of the first class."

Referred to Committee on Affairs of Cities.

H. B. No. 204, by Witmer: A bill for "An Act to amend Section 1959 of the Revised Codes of Montana of 1907, relating to the seizure and sale of game, or parts thereof, and of fish caught or held in violation of law and prescribing penalties."

Referred to Committee on Fish and Game.

H. B. No. 205, by Thompson: A bill for an Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor.

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 206, by Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 207, by Norton: A bill for an Act entitled, "An Act to



amend Section 3206 of the Revised Codes of Montana of 1907, relating to the classification of cities and towns."

Referred to Committee on Affairs of Cities.

H. B. No. 208, by Cummings of Chouteau: A bill for an Act entitled, "An Act for appropriating money for the restoration and maintenance of Old Fort Benton."

Read first time by title and second time at length and referred to Appropriation Committee.

H. B. No. 209, by Connelly: A bill for an Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains and providing the method thereof."

Referred to Committee on Railroads and Transportation.

H. B. No. 210, by Norton: A bill for an Act entitled, "An Act concerning Tree Planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana, 1907."

Referred to Committee on Education.

H. B. No. 211, by Arnett: A bill for an Act entitled, "An Act to create the County of Shaw, to define its boundaries, and to provide for its organization."

Referred to Committee on Towns and Counties.

H. B. No. 212, by Hunter: A bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of the State of Montana of 1907, relating to personalty."

Referred to Judiciary Committee.

H. B. No. 213, by Brewster: A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coal and to provide for payment for loss of coal in transit."

Referred to Committee on Railroads and Transportation.

H. B. No. 214, by Gray (by request): A bill for an Act entitled, "An Act to amend Section 1497 of the Revised Codes of Montana of 1907, relating to Boards of Health."

Referred to Committee on State Boards and Officers.

H. B. No. 215, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor."

Read first time by title, second time at length and referred to the Appropriation Committee.

H. B. No. 216, by Brewster: A bill for an Act entitled, "An Act to prohibit the mining, production, or sale of coal for commercial purposes by railroad or transportation companies."

Referred to Committee on Railroads and Transportation.

H. B. No. 217, by Derry: A bill for an Act to authorize public administrators to require statements from persons and corporations having in their possession or control money or other personal property belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred dollars.

Referred to Judiciary Committee.

H. B. No. 218, by Bogart: A bill for an Act to amend Sections 317,

318, 320, 325, 327 and 328 of the Revised Codes of Montana of 1907, making the Jurisdiction of Notaries Public co-extensive with the boundaries of the State, and relating to the manner of certifying their official acts, and authorizing the Secretary of State and County Clerks to certify the official character of Notaries Public, providing the fees therefor, and the execution and approval of their bonds."

Referred to Judiciary Committee.

H. B. No. 219, by Hutchinson: A bill for an Act entitled, "An Act concerning railroads and to better protect the lives of railway employees and the traveling public, and providing penalties for the violation thereof."

Referred to Committee on Railroads and Transportation.

H. B. No. 220, by Duncan: A bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphan's Home or Asylum.

Referred to Committee on Judiciary.

H. B. No. 221, by McCoy: A bill for an Act entitled, "An Act to determine the liability of any company, corporation or individual for damages sustained by any employees thereof and to declare void contracts restricting such liability."

Referred to Committee on Judiciary.

H. B. No. 222, by Berkin: A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and affairs of State Institutions, defining his duties and fixing his salary.

Referred to Judiciary Committee.

H. B. No. 223, by Lowney: A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, 1907, relating to Judges and Clerks of Election, Voting Precincts and Election Precincts within cities and towns."

Referred to Committee on Privileges and Elections.

#### MOTIONS AND RESOLUTIONS.

On motion of Berkin, House Bill No. 126 was placed ahead of General Orders.

#### CONSIDERATION OF MESSAGES FROM THE SENATE.

February 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the introduction of a bill was given this day as follows:

By Everett: A bill entitled, "An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to Stenographers of the District Courts, their duties, qualifications and compensation."

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that:

S. B. No. 74, by Edwards: A bill for an Act entitled, "An Act to provide for the creation and appointment of a commission to determine the reasonable value of the property belonging to the former contractor with the State of Montana for the care, custody and control of the State Prison and Prisoners therein confined and what property of such contractors should be taken over and purchased by the State."

Referred to Committee on Public Buildings.

S. B. No. 75, by McCarthy: A bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with a Department of the Montana Agricultural College at Bozeman, Montana."

Referred to Committee on Public Lands.

S. B. No. 76, by McCone: A bill for an Act relating to the government, management and control of finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School, and to repeal Sections 648, 672, 492, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1263 and 1264 of the Revised Codes of Montana of 1907.

Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY, Secretary.

February 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. No. 72, by Rae: A bill for an Act to provide more fully for the protection of human life, and property, by reason of the defective construction or maintenance of dams and reservoirs, providing for the inspection thereof by the State of Montana of 1907 concerning the investment of the funds of the State Normal School, Permanent University Fund, Permanent Agricultural College and Permanent School Funds.

Referred to Public Lands Committee.

House Bill No. 3 returned from Senate for concurrence and amendments.

On motion of Pierson, referred to Committee of the Whole.

On motion of Norton, House resolved itself into Committee of the Whole.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

February 2, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred the Senate

amendment to H. B. No. 103, beg leave to report the same back with the recommendation that said amendment be concurred in.

Also, having had under consideration Substitute H. B. No. 126, a bill for an Act entitled "An Act to amend Sections 8712, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and beaver and preventing the sale of beaver skins and providing a punishment for the violation of this Act."

Amendment to Sub. H. B. No. 126: Amend Section 1 by striking out all that part of Section 1 after the word "punished" in line 6 thereof and inserting in lieu thereof the following: "by imprisonment in the county jail for a term not less than thirty days nor more than one year, or by a fine of not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars, or by both such fine and imprisonment."

Amend Section 2 by striking out the whole thereof, and substituting in lieu thereof the following: Section 8783.

"Any person who wilfully shoots or kills, or causes to be shot or killed, any moose, bison, caribou or buffalo, shall be punished by imprisonment in the county jail for not less than six months nor more than two years, or shall be fined not less than one hundred (\$100.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, or by both such fine and imprisonment. Any person who wilfully shoots or kills, or causes to be shot or killed, and quail or Chinese pheasant, shall be punished by imprisonment in the county jail for a term of not less than thirty days, nor more than twelve months, or by a fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, or by both such fine and imprisonment."

Amend Section 3 by inserting the word "or" after the word "shoots" in line 27 of said Section, and by striking out that part of said Section 3 after the word "punished" in line 30 of said Section, and inserting in lieu thereof the following: "by imprisonment in the county jail for a period of not less than three months nor more than twelve months, or by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, or by both such fine and imprisonment"

Amend Section 3 by inserting in line 27 after the word "elk" the words "mountain sheep."

Amend Section 4 by striking out the word "subsequent" in line 37 of said Section, and inserting in lieu thereof the word "prior."

Amend Section 4 by striking out in line 39 the words "States Prison" and inserting in lieu thereof the words "County jail," and by striking out the words "in the county jail" in line 40.

Amend Section 5 by striking out the word "subsequent" in line 52, and inserting in lieu thereof the word "prior," and by striking out the word "six" in line 55 and inserting in lieu thereof the word "twelve."

By striking out the words and figures "five hundred dollars (\$500)" in lines 56 and 57 and inserting in lieu thereof the words and figures "One thousand dollars (\$1,000.)."

Amend Section 5 in line 54 by adding the words "field owl" after the word "plover."

Amend Section 5 by inserting in line 54 after the word "dove" "or who shall wilfully gather or destroy any of the eggs of the above named birds for any purpose whatsoever."

Amend Section 6 by striking out in line 61 the word "following" and inserting in lieu thereof the word "same."

Amend Section 6 by striking out in line 60 the word "thirty."

Amend Section 6 hereof by striking therefrom the words and figures "two hundred and fifty dollars (\$250)," and inserting in lieu thereof the words "one thousand dollars (\$1,000)," and recommend that Sub. H. B. 126 do pass as amended.

BREWSTER, Chairman.

Committee of the Whole.

House took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION.

House met pursuant to recess at 2 P. M.

Roll call. Quorum present.

Smith asked unanimous consent to have H. B. No. 154 taken from General Orders and re-referred to Committee on Sanitary Affairs.

Consent granted, and bill re-referred to Committee on Sanitary Affairs.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. B. No. 78 correctly engrossed.

WARREN, Chairman.

On motion of Pierson, H. B. No. 26 was made a Special Order for 3 o'clock tomorrow.

#### MESSAGE FROM THE GOVERNOR.

The following was received:

Executive Office, Helena, Montana,  
February 2, 1909.

The Speaker of the House of Representatives,

House of Representatives, Helena, Montana:

I have the honor to advise you that I have this day approved and deposited with the Secretary of State House Bill No. 25, "An Act to approve, legalize and adopt the division and arrangement of the Revised Codes of Montana of 1907."

EDWIN L. NORRIS, Governor.

On motion, House resolved itself into Committee of the Whole for consideration of General Orders.

Woody in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

February 2, 1909.

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 15,



a bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer,"

Amend Section 1 by striking out in line 2 the word "twelve" and inserting in lieu thereof the word "six,"

Beg leave to report having had same under consideration and recommend that the enacting clause be stricken out.

WOODY, Chairman.

Report adopted.

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 19, a bill for an Act entitled, "An Act for the relief of the widow and minor children of Charles B. Peyton, a Deputy State Game Warden, who was killed while in the performance of his official duty by Indians on the 18th day of October, 1908," beg leave to report having had the same under consideration and report that said bill be referred to Judiciary Committee.

WOODY, Chairman.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 87, an Act entitled, "An Act for the appropriation of money to pay the bounty claims of certain persons,"

Moved to strike out the word "Treasury" in line 3 and insert the words "bounty fund"; beg leave to report having had same under consideration and recommend that the same do pass as amended.

WOODY, Chairman.

Report adopted.

On motion of Eliel, House resolved itself into Committee of the Whole for consideration of House Bills Nos. 98, 100, 104, 106 and 34.

Eliel in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 98, a bill for an Act entitled, "An Act to amend Sections 8393, 8394, 8395 and 8396 of the Revised Statutes, 1907, of the State of Montana, relative to indecent exposures, exhibitions and pictures," beg leave to report the same back with the following amendments:

Amend Section 1 by striking out in line 1 the word "statutes" and inserting in lieu thereof the word "Codes."

Amend Section 1 by striking out the words "indecent exposures, exhibitions and pictures," in line 3 of the printed bill.

Amend Section 2 by striking out the words "Seizure of indecent articles authorized" in line 22 of the printed bill.

Amend Section 3 by striking out the words "Their character to be summarily determined" in line 30 of the printed bill.

Amend Section 4 by striking out the words "Their destruction" in line 40 of the printed bill.



Amend Sections 2, 3 and 4 by striking out in line 5, 20, 28 and 38 the word "statutes" and inserting in lieu thereof the word "Codes"; and as so amended recommend that same do pass.

ELIEL, Chairman.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 100, an Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana, 1907, relating to certificates of qualifications of teachers, and to amend Section 908, Revised Codes of Montana of 1907, relating to qualifications of teachers,

Amend Section 1 by inserting after the word "qualification" the following: "or who is not the possessor of a subsisting certificate to teach issued by the County Superintendent prior to February 27, 1907," beg leave to report having had same under consideration and to report the same back with the recommendation that it be referred to the Judiciary Committee.

Also H. B. No. 104, a bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public fees erroneously collected," beg leave to report having had same under consideration and recommend that the same do pass.

Also H. B. 106, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account Requisitions," beg leave to report having had same under consideration and recommend that same do pass.

Also H. B. No. 34, a bill for an Act entitled, "An Act to amend Sections 8582, 8583 and 8585 of the Revised Codes of the State of Montana, 1907, relating to the carrying of concealed weapons," beg leave to report the same back with the following amendments:

Amend Section 1 by inserting in line 4 after "the" change "City" to "County";

Amend Section 1 by striking out in line 5 the words "in the discharge of their official duty";

Amend Section 1 by inserting after "not" in line 4 "less than twenty-five days nor";

Amend Section 1 by striking out in line 1 the words "Amend Section 8582 to read as follows: Section 8582," and inserting in lieu thereof the words, "That Section 8582 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows: Section 8582";

Amend Section 2 by striking out in line 6 the words "Amend Section 8583 as follows" and insert in lieu thereof the words "That Section 8583 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows";

Amend Section 3 by adding the words "Provided that nothing in this Act shall be construed as amending Section 8586 of Revised Codes 1907";

Amend Section 3 by striking out in line 11 the words "Amend Section 8585 to read as follows: That Section 8585 of the Revised Codes of

Montana of 1907 be and the same is hereby amended to read as follows";  
And as so amended that it be referred to the Judiciary Committee.

ELIEL, Chairman.

Mr. Speaker announced that he was about to sign S. B. No. 28, and therefore signed it in the presence of the House.

#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received:

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 17, being a bill for "An Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of judges," respectfully return said Senate Bill to the House with the recommendation that the Substitute Bill herewith submitted by the Judiciary Committee be passed as a substitute for said Senate Bill No. 17.

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 48, being a bill for an Act to amend Sections 317, 318, Subdivisions 5 and 6 of Section 320, Sections 325, 327 and 328, of the Revised Codes of Montana of 1907, after having had said bill under consideration, hereby report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 143, being a bill for an Act entitled, "An Act to amend Section 2887, of the Revised Statutes of Montana, of 1907, relating to the meetings and procedure of the Boards of County Commissioners and the publication thereof," after having had said bill under consideration, hereby report the same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 130, being a bill for an Act making it the duty of the Sheriff of each county to visit, in January and July of each year, every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to the Board of County Commissioners and to State Examiners, after having had said bill under consideration, report same back to the House with the

recommendation that it be indefinitely postponed, as the matter is covered by H. B. No. 88.

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 88, being a bill for an Act making it the duty of the sheriff of each county to visit in January and July of each year every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses and report to the Board of County Commissioners and to State Examiners, after having had said bill under consideration, report same back to the House with the recommendation that it do pass, after being amended as follows:

Amend Section 1 by inserting after the word "license" in line 3 of said Section, the words "and shall ascertain the name of the person, persons or corporation conducting such saloon."

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 110, being a bill for an Act to amend Section 2746, Revised Codes of Montana, 1907, relating to licenses, after having had said bill under consideration, hereby report the same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 20, being a bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated," after having had said bill under consideration, hereby report same back to the House with the recommendation that it be concurred in, after being amended as follows:

Amend Section 1 of S. B. No. 20, by striking out all of Section 1, and inserting in lieu thereof the following: "Section 1. That Section 8689 of the Revised Codes of Montana of 1907, be and the same is hereby amended to read as follows:

"Section 8689. Every person who, after mortgaging any personal property, except railroad locomotives, railroad engines, rolling stock of a railroad, steamboat machinery in actual use and vessels, removes or causes to be removed, or permits the removal of such mortgaged property from the county where it was situated at the time it was mortgaged, without the written consent of the mortgagee, with the intent to deprive the mortgagee of his claim thereto and interest therein; and every person who, after mortgaging any personal property of any kind

or character whatsoever, voluntarily sells or transfers any such mortgaged property without the written consent of the mortgagee, and with the intent to defraud such mortgagee of his claim thereto and interest therein, or with the intent to defraud the purchaser thereof of any money or thing of value, is guilty of larceny."

FRANK, Chairman.

Report adopted.

#### NOTICES FROM THE SENATE.

February 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 3 was this day read and adopted and is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

#### SENATE JOINT RESOLUTION NO. 3.

Whereas, It has come to the notice of the Legislative Assembly of the State of Montana, that the Honorable J. Frank Hanley, of Indiana, will be in the City of Helena on February 4, 1909; and,

Whereas, the said J. Frank Hanley was formerly Governor of said State of Indiana, and is known to be one of the most forceful public speakers on the problems now confronting the American People,

Therefore, Be it Resolved that, the House concurring, the President of the Senate appoint a Committee of Three Members of the Senate to join with a Committee of Three Members of the House to be appointed by the Speaker, to meet the Honorable J. Frank Hanley upon his arrival in the City of Helena, and to extend to him an invitation to address the Joint Legislative Assembly of the State of Montana at such time as may meet his pleasure.

McCARTHY.

February 2, 1909.

Mr. Speaker:

Be It Resolved: That substitute bills heretofore or hereafter introduced in the House shall bear the numbers of the original bills which are substituted and shall not take a new number.

MacGINNISS.

On motion, House adjourned until 10 A. M. tomorrow, February 3, 1909.

W. W. McDowell, Speaker

Attest CHAS. Z. POND, Chief Clerk.

## Thirty-First Day.

Helena, Montana, February 3, 1909.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Roll call. Absent, Crutchfield, Garber, Gibson, Pomeroy. Quorum present.

Journal approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

By Berkin: A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices."

By Allen: A bill for an Act declaring it a misdemeanor for a man and woman to associate together for lewd or immoral purposes.

By Edgerton: A bill for an Act to provide for the issue and sale by the State Board of Examiners of Bonds for the purpose of purchasing a site and erecting thereon an Executive Mansion; and to provide for the purchase of such site and the erection of said Executive Mansion thereon under the authority of the State Board of Examiners.

By Bogart: A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expenses of and the assistants to the State Examiner.

By Edgerton: A bill for an Act to amend Sections 2680 and 2682 of the Revised Codes relating to tax sales of road property.

By Coit: A bill for an Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State.

By Norton: A bill for an Act relating to the salaries of Police Judges.

By Hall: A bill for an Act entitled, "An Act to restrict the sale or other disposition of cocaine, opium or any of its alkaloids, providing penalties for the violation of any of the provisions of this Act, and repealing all Acts or parts of Acts in conflict herewith."

### REPORTS OF STANDING COMMITTEES.

February 3, 1909.

Mr. Speaker:

Your House Employment Committee recommends that Miss Mae McHugh, Miss Mollie Murphy, Miss Mable Able and Miss Cora McLaughlin be placed on the payroll, commencing January 12th.

Respectfully,

WARD, Chairman.

Adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 13, being a bill for an Act entitled, "An Act to amend Section 3303 and Section 3257 of the Revised Codes of Montana, relating to the de-

posit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such Officers," after having had said bill under consideration, hereby report same back to the House with the recommendation that it be re-referred to the Committee on Banks and Banking.

FRANK, Chairman.

Adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 142, being a bill for an Act to amend Section 3478 of Article 11, Chapter 6, Title 3, Part 4, of the Political Code of Montana, after having had said bill under consideration hereby reports same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

On motion adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 133, being a bill for an Act entitled. "An Act relating to the proof of corporate existence and providing for the manner of proving the corporate character of any corporation, domestic or foreign," after having had said bill under consideration, hereby report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

February 3, 1909.

Mr. Speaker:

We your Committee on Printing, beg leave to report House Bills Nos. 43, 44, and 63 correctly printed.

O'DONNELL, Chairman.

Report received and bills referred to General Orders.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 23, being a bill for "An Act to amend Section 6364, Revised Codes of Montana of 1907, relating to the empanelling of Grand Juries," after having said bill under consideration, hereby report said bill back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 141, being a bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances, for the treatment of diseases, injury or deformity, and to provide for the licensing of vendors of the same," after having had said bill under consideration, hereby report same back with the recommendation that it do pass after being



amended as follows:

On page 3 of said bill, amend by striking out all of the sentence contained in the last paragraph of Section 4 of said bill, to-wit: "All fines collected under the provisions of this Act shall be paid one half to the Poor Fund of the County in which the prosecution is had and one half to the State Board of Pharmacy, to be disposed of as provided by law for the funds of said board."

FRANK, Chairman.

Adopted as read.

Helena, Feb. 3, 1909.

Mr. Speaker:

We, your Committee on Corporations other than municipal having had under consideration S. B. No. 11, by Long, A bill for an Act entitled, "An Act to amend Sections 4216 and 4218 of the Revised Codes of 1907, so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide its shares of stock into classes of different par values; to legalize the stock of co-operative associations hertofore issued in classes of different par values, and to regulate the exemption of such shares of stock from attachment or sale under execution," recommend that it be concurred in.

PIERSON, Chairman.

Adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 169, being a bill for an Act entitled, "An Act to amend Section 1722, Article 3, Chapter 2, Title 7, Part 3, of the Political Code, Revised Codes of Montana, 1907, relating to regulation of the industry of mining, and providing penalties for the violation of same," after having had said bill under consideration hereby report same back to the House with the recommendation that it be referred to the Committee on Mines and Mining.

FRANK, Chairman.

Adopted.

February 4, 1909.

Mr. Speaker:

Your Committee on Education, having had under consideration concurrent Resolution No. 2, after having duly considered the same, respectfully report the adoption of the resolution.

HAMMOND, Chairman.

Adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Development and Publicity, having had under consideration H. B. No. 191, being a bill for "An Act to provide for the Creation, Organization, Government, and Extension of a Publicity Bureau of the State of Montana; to Prescribe the Selection, Powers and Duties of a Commissioner of Publicity; to Provide for the Acquisition and for the Maintenance of a Hall of Exhibits of the Resources, Progress and

Development of Montana, and to make Appropriation therefor," refer same back to the House with the recommendation that it do pass.

CHRISTLER, Chairman.

Adopted.

February 2, 1909.

Mr. Speaker:

Your Committee on Labor having had under consideration H. B. No. 136, by Werner, entitled, "An Act to provide for the protection and safety of persons in and about the constructing, repairing, alteration or removal of buildings, bridges, viaducts, and other structures, and to provide for the inspection of such structures by the Commissioner of the Bureau of Agriculture, Labor and Industry, and by local building inspectors and to provide for penalties and damages for the violation thereof, report the bill back with a substitute for the same, and recommend that the substitute do pass.

HAYES, Chairman.

Adopted.

February 2, 1909.

Mr. Speaker:

We, your Committee on Water Ways and Navigation having had under consideration H. B. No. 161, being a bill for an Act to provide for the erection of dock and wharves on the navigable wharves within the State of Montana, and to provide for their management and control, report the same back to the House with the recommendation that it do pass, with the following amendments:

In Section 2, Line 4, after the word "it" insert the words, "or their".

HARBERT, Chairman.

Adopted.

February 3, 1909.

Mr. Speaker:

Your House Employment Committee recommends that Miss Naughton and Miss Carol Schreiner be employed.

Respectfully,

WARD, Chairman.

On motion report adopted.

#### MESSAGES FROM THE SENATE.

February 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: H. Bs. Nos. 28, 36, 59 and 90, having been this day read third time and concurred in are herewith returned to the House.

February 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: In accordance with Senate Joint Resolution No. 3, the President has this day appointed McCarthy, Meyer and Long to act with a like Committee from the House, to meet the Hon. J. Frank Hanley and extend an

invitation to address the Joint Assembly.

Respectfully,

NATHAN GODFREY, Secretary.

February 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: notices of the introduction of bills were to-day given as follows:

By Sykes: A bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of the State of Montana, relating to the foreclosure of chattel mortgages."

By Everett: A bill for an Act entitled, "An Act providing for the submission to the qualified electors of Montana of an amendment to Section 3 of Article XII of the Constitution, relating to the taxation of mines and mining claims."

Respectfully,

NATHAN GODFREY, Secretary.

February 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following Bills were introduced read first and second time and referred:

S. B. No. 77, by Rae: A Bill for an Act entitled an Act requiring Directors of Corporations to file acceptance of office, and to amend Section 3835, of the Revised Codes of Montana of 1907, relating to election of Directors .

Referred to Committee on Judiciary.

S. B. 78, by Tooley: A Bill for an Act entitled, "An Act to amend Section 9611 of the Revised Codes of Montana, 1907, relating to criminal judgments in justice and police courts."

Referred to Committee on Judiciary.

S. B. No. 79, by Romney: An Act appropriating money for the payment of the expenses of Doctor H. T. Ricketts, when investigating the cause and cure of Scarlet Fever.

Referred to Committee on Finance and Claims.

S. B. No. 80, by Rae: A Bill for an Act entitled, "An Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital or insolvency of banks and duties of State Bank Examiner.

Referred to Committee on Judiciary.

S. B. No. 81, by Donlan: A Bill for an Act entitled, "An Act to secure liens to Mechanics, Laborers, Horse-shoers and Wagon Builders and Repairers".

Referred to Committee on Agriculture and Manufactures.

Senate Joint Resolution, No. 3, by McCarthy read and adopted.

Respectfully,

NATHAN GODFREY, Secretary.

## INTRODUCTION OF BILLS.

The following Bills were to-day read first and second time and referred:

House Joint Resolution No. 5: By Connelly, relating to the employment of prisoners confined in the state prison of the State of Montana.

Referred to Committee on State Institutions.

H. B. No. 224, by Norton (by request): A Bill for an Act entitled, "An Act to amend Section 3238 of the Revised Codes of Montana, of 1907, relating to the official bonds of officers of cities."

Referred to Committee on Judiciary.

H. B. No. 225, by Jacobson: A Bill for an Act to amend Sections 2268, 2271 and 2272 of the Revised Codes of Montana of 1907, relating to the reclamation and settlement of arid lands selected by the State under the provisions of the Act of Congress commonly known as the "Carey Act", approved August 18th, 1894, and to repeal Section 2270 of the Revised Codes of Montana of 1907.

Referred to Committee on State Lands.

H. B. No. 226, by Gray: A bill for an Act entitled, "An Act to provide for the regulation of the manufacture and sale of Creamery Butter".

Referred to Committee on Sanitary Affairs.

H. B. No. 227, by Hutchinson: A Bill for an Act entitled, "An Act to provide for a Chemist and Bacteriologist to the Capital State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor.

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 228, by Duncan: A Bill for an Act to conform the Organization and discipline of the organized militia of the State of Montana to the requirements of the Act of Congress entitled, "An Act to promote the efficiency of the militia and for other purposes." Approved January 21st, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1074, 1082 and 1100 of the Revised Codes of Montana, 1907, relating to the militia and national guard of Montana.

Referred to Committee on Military Affairs.

H. B. No. 229, by Kelsey: A Bill for an Act amending Sections 1390, 1392 and 1395, and repealing Sections 1393, 1394 and 1396 of the Revised Codes of Montana of 1907, and providing for the filing of a petition for highways, and constituting the board of county commissioners a Board of Viewers for the altering or discontinuance of any highway or for laying out a new highway, and how the same shall be laid out and how changed or abandoned.

Referred to Committee on Highways.

H. B. No. 230, by Kelsey: An Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution.

Referred to Committee on Judiciary.

H. B. No. 231, by Hunter: A Bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections 2886, 2891, 2892 and 2893 of the Revised Codes in conflict herewith and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners, hereafter to be elected."

Referred to Committee on Judiciary.

H. B. No. 232, by Norton: An Act to regulate the practice of Veterinary Surgery in all its various branches in the State of Montana; providing for a State Veterinary Board and prescribing its duties; prescribing penalties for its violation and repealing all inconsistent Acts.

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 233, by Frank: A Bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana of 1907, relating to witnesses".

Referred to Committee on Judiciary.

H. B. No. 234, by Cluston: A Bill for an Act entitled, "An Act to appropriate money to pay the per diem and mileage to witnesses called by the Joint Committee of the Eleventh Legislative Assembly about to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony and serving subpoena in said investigation."

Referred to Committee on State Lands.

### MOTIONS.

Mr. Speaker:

I move that a Committee of three be appointed by the Speaker of this House to act in conjunction with a like committee from the Senate to examine into the advisability of the purchase of such property at the State Penitentiary at the present time leased by the State, and to make such other investigations into the cost of the maintenance of the prisoners and management of the penitentiary as it deems fit. That the committee be empowered to subpoena witnesses, and that it report its findings back to the House with recommendation for its action.

HAMMOND.

Adopted.

### THIRD READING OF HOUSE BILLS.

H. B. No. 78 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Derry, Duncan, Edgerton, Eliel, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Whaley, Werner, Wood, Woody, Mr. Speaker,—53.

Noes: Dowling, Hayes, Lehrkind, Warren, Wilham, Witmer,—5.

Absent and not voting: Butezrin, Byrnes, Crutchfield, Cummings T. A., Elliott, Garber, Gibson, Hayes, Murray, Pierson, Pomeroy, Thompson, White,—13. Total 71.

February 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: in accordance with the request of the House, S. B. No. 15 is herewith returned for further consideration.

Respectfully ,

NATHAN GODFREY, Secretary.

S. B. No. 12, being a Constitutional Amendment is hereby spread at length upon the Journal. History of the bill is as follows:

S. B. No. 12, by McCone: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana. Relating to Revenue and Taxation."

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. That Section 9 of Article XII of the Constitution of the State of Montana be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2 That Section 9 of Article XII of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

"Section 9. The rate of taxation on real and personal property for state purposes, except as hereinafter provided, shall never exceed two and one-half (2½) mills on each dollar of valuation; and whenever the taxable property of the State shall amount to Six Hundred Million (\$600,000,000.00) Dollars the rate shall never exceed two (2) mills of each dollar of valuation, unless the proposition to increase such rate, specifying the rate proposed and the time during which the rate shall be levied shall have been submitted to the people at the general election and shall have received a majority of all those cast for and against it at such election; Provided, that in addition to the levy for said purposes above provided for, a special levy in addition may be made on livestock for the purpose of paying bounties on wild animals and for stock inspection, protection and indemnity purposes, as may be prescribed by law and such special levy shall be made and levied annually in amount not exceeding four mills on the dollar by the State Board of Equalization, as may be provided by law."

Section 3. Separate official ballots shall be used at the general election to be held in November, 1910, which shall have printed thereon the words:

"For the amendment to the Constitution relating to revenue and taxation."

And the words: "Against the amendment to the Constitution relating to revenue and taxation."

And the elector shall designate his preference for either of



the propositions by marking an "X" before the proposition desired.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

This Act shall take effect and be in full force from and after its passage and approval.

S. B. No. 12: Passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Warren, Ward, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker,—64.

Noes: None.

Absent and not voting: Crutchfield, Gibson, Murray, Pierson, Pomeroy, Smith, White,—7. Total 71.

#### CONSIDERATION OF GENERAL ORDERS.

On motion House resolved itself into Committee of the Whole for consideration of H. Bs. 58, 105, 107, 123 and 69.

Clayberg in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred H. B. No. 58, A bill for an Act to amend Sections 1287, 1288 and 1295 of the Revised Codes fo Montana relating to the Soldiers Home, recommend bill do pass.

Also H. B. No. 107, being a bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," recommend bill do pass.

Also H. B. 105: A bill for an Act entitled, "An Act appropriating the sum of \$2500.00 to aid in stocking a bison range within the limits of the State of Montana", recommend bill do pass with the following amendment:

Amend Section 2 by striking out in line 8 the word "bill", and inserting in lieu thereof, the word "Act".

Also H. B. No. 123: A bill for an Act to amend Section 1815, of the Revised Code of Montana of 1907, relating to the record of horses and other livestock sold at public markets, recommend that bill do pass.

Also H. B. No. 60: A bill for an Act entitled, "An Act to amend Section 3315 of Article 7, Chapter 3, Title 3, Part 4, of the Political Code, Revised Codes of Montana, relating to the qualifications of police officers by providing for salary of same", recommend that the enacting clause be stricken out.

Report adopted.

By unanimous consent, Cluston introduced H. B. No. 224, being a bill for an Act entitled, "An Act to amend Section 3238 of the Revised Codes of 1907, relating to the official bonds of officers of cities."

Read first and second time and referred to State Land Committee.

On motion House recessed until 2:30 P. M.

#### AFTERNOON SESSION.

House met pursuant to motion to recess.

Roll call. Quorum present.

#### REPORTS OF STANDING COMMITTEES.

Shoemaker moved that action of yesterday on S. B. No. 15, be reconsidered.

Motion carried.

On motion of Shoemaker the bill was placed on General Orders.

#### NOTICES.

Mr. Speaker:

I hereby give notice that I will on to-morrow or some subsequent day introduce a Joint Memorial to Congress petitioning it to pass and enact into law the bill recently introduced in the Senate of the United States by Senator Joseph M. Dixon, prohibiting the sale of intoxicating liquors for twenty-five years within the territory now comprising the Flathead Indian Reservation in the State of Montana.

HARBERT.

#### REPORTS OF STANDING COMMITTEES.

February 3, 1909.

Mr. Speaker:

We, your Committee on State Lands having had under consideration H. B. No. 234, by Cluston: A bill for an Act entitled, "An Act to appropriate money to pay the per diem and mileage of witnesses called by the Joint Committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony and serving subpoenas in said investigation", recommend that the bill do pass.

CLUSTON, Chairman.

Report adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 172, being a bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to compensation allowed to Deputy and Assistant County Officers", beg leave to refer the same back to the House, together with a substitute therefor, herewith submitted, with the recommendation that substitute House Bill 172, be passed.

FRANK, Chairman.

Report adopted as read.

February 3, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges having had under consideration S. B. No. 10, by Edwards: A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of Detectives; and to employ or authorize the employment of Special Counsel in criminal actions and in actions to which the county is a party," recommend that it do pass with the following amendment:

Section 2. By striking out in line 5 the word "penal" and inserting in lieu thereof, the word "felony".

CROUCH, Chairman.

On motion adopted.

February 3, 1909.

Mr. Speaker:

We, your Committee on State Lands having had under consideration H. Jt. Memorial No. 4 introduced by Connelly, in reference to opening Crow Reservation, recommend that it do pass.

CLUSTON, Chairman.

On motion adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Insurance to whom was referred S. B. No. 46, being a bill for "An Act to amend Section 4062, Revised Codes of the State of Montana, of 1907, relating to the manner in which Insurance Companies, Associations, or Partnerships may transact business in the State of Montana", after having said bill under consideration, beg leave to report same back with recommendation that it do pass.

LEHRKIND, Chairman.

Report adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Insurance to whom was referred H. B. No. 148, being a bill for "An Act concerning the duration and renewal of life insurance, corporations and the number of directors thereof," after having had the same under consideration, beg leave to report same back to the House with the recommendation that it do pass.

LEHRKIND, Chairman.

Report adopted.

February 3, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report Substitute for House Bills Nos. 2 and 102 correctly printed.

O'DONNELL, Chairman.

Report received and bills placed on General Order.

February 3, 1909.

Mr. Speaker:

Your Committee on Insurance to whom was referred

Senate Bill Number 47, being a bill for An Act entitled, "An Act prohibiting and rebating and discrimination by Life Insurance Companies, and Providing Penalties therefor, and prohibiting the issuance of Special or Advisory Board Contracts and Prohibiting Certain Other Practices, and providing penalties therefor, and repealing Sections 4141, 4142 and 4143 of the Revised Codes of the State of Montana, of 1907," after having said bill under consideration, beg leave to report with recommendation that the same do pass.

LEHRKIND, Chairman.

Report adopted.

Mr. Speaker appointed as a committee to meet Governor Hanley pursuant to request made by Senate Joint Resolution No. 3, MacGinniss, Burke and Shoemaker.

House resolved itself into Committee of the Whole.

King in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

King, Chairman of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred S. B. No. 11, being a bill for an Act entitled, "An Act to amend Section 4216 of the Revised Codes of the State of Montana so as to increase the maximum par value of the shares of (stock of co-operative associations): permitting co-operative associations to divide its shares of stock into classes and to legalize its stock heretofore issued in classes of different par values, recommend that bill be concurred in.

Also H. B. No. 26, being a bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another", recommend that said bill do pass.

Also H. B. No. 164, being a bill for an Act entitled, "An Act to prohibit the manufacture, making sale, change, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any papers or wrappers prepared for the purpose of being filled with tobacco for smoking, and prescribing penalties therefor", recommend that said bill do pass.

Also H. B. No. 115, being a bill for an Act entitled, "An Act to regulate the practice of the profession of public accounting", recommend that said bill do pass with the following amendments:

Amend Section 3 by adding the word "or" in line 34 after the word "account";

Amend Sub-division 1, Section 5 by adding a comma after the word "stipulated" in line 56 and adding the word "or" thereafter;

Amend sub-division 2, Section 4, by adding a comma after the word "stipulated", in line 60 and adding the word "or" thereafter.

Amend Section 6 by striking out in lines 5, 84 and 85 "and shall be paid not to exceed twenty-five dollars (\$25.00) per day each", and inserting in lieu thereof, the words "but shall not receive any compensation."

Amend Section 6 by striking out in line 88 the words "and their compensation," and in line 89 the word "no", and in lines 89 and 90 the words "nor the compensation of the examiners shall".

Amend Section 6 by inserting in line 89 after the word "and" the following: "at the close of each calendar year any surplus remaining after the payment of the years expenses, shall become the property of the University and in no event shall any".

Amend Section 8 by adding "from and after its passage and approval by the Governor".

Also, S. B. No. 15, being a bill for an Act entitled, "An Act authorizing the appointment of a Stenographer for the State Treasurer", recommend that said bill be concurred in.

Also, H. B. No. 71, being a bill for an Act entitled, "An Act Regulating the hours of labor in all State Institutions", recommend that said bill do pass.

Also, H. B. No. 95 being a bill for an Act, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue", recommend said bill do pass.

Also, H. B. No. 93, being a bill for an Act entitled, "An Act to Amend Section 3812 of the Revised Codes of Montana relating to the power of corporations to change the corporate name," recommend that said bill do pass.

Report of the Committee of the Whole adopted.

On motion of Duncnan House adjourned.

W. W. McDOWELL, Speaker

Attest: CHAS. Z. POND, Chief Clerk.

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## Thirty-Second Day.

Helena, Montana, February 4th, 1909.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Roll call: Absent, Crutchfield. Quorum present.

Journal approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

By Connelly: House Joint Resolution instructing State Board Land Commissioners to sell Billings Polytechnic Institute 20 acres land at minimum price at ten dollars per acre.

By Pierson: A bill for an Act entitled, "An Act to provide for the assessment of Livestock, creating a migratory stock fund and providing for the collection and distribution of taxes thereon."

By Berkin: A bill for an Act entitled, "An Act to amend Section 8557 of the Revised Codes of Montana of 1907, relating to the pollution of streams, and to repeal Section 8558 of the Revised Codes of Montana of 1907."

## REPORTS OF STANDING COMMITTEES.

February 4, 1909.

Mr. Speaker:

We, your Committee on Printing beg leave to report H. Bs. 160, 108, 150 and 124 correctly printed.

O'DONNELL, Chairman.

Received and H. Bs. 160, 108, 150 and 124 placed on General Orders.

February 4, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 85, introduced by Gray, A bill for an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana of 1907, defining Legal Fences", recommend the bill do not pass.

CROUCH, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 84, introduced by Gray, being a bill for an Act entitled, "An Act to amend Section 1346 of the Revised Statutes of Montana, of 1907, relating to taxes for road purposes," recommend the same do pass after being amended as follows:

In the Title of the Bill the word "Statutes" be changed to "Codes".

In Section 1, line 9, after the word "thereby" the words "unless such school district lay in more than one county" be inserted.

DOWLING, Chairman.

Report adopted as read.

Helena, Montana, February 4, 1909.

Mr. Speaker:

We, your Committee on Highways, having had under consideration House Bill No. 190, introduced by Gray, being a bill for an Act entitled, "An Act to Amend Sections 1358 and 1359, Revised Statutes of Montana of 1907," recommend that the same do pass with the following amendment:

That in the title of the Bill the word "Statutes" be changed to "Codes".

DOWLING, Chairman.

Adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Livestock and Public Ranges having had under consideration Senate Bill No. 42, introduced by McCarthy, a bill for An Act entitled, "An Act to Amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana of 1907, concerning Farmer's Institutes."

Recommend that it be concurred in.

CROUCH, Chairman.

Report adopted.



February 4, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges having under consideration H. B. No. 200, introduced by Brewster, a bill for an Act entitled, "An Act to Provide for the Gathering and Sale of Horses, mules and asses, the Ownership of which is uncertain or unknown," Recommend the bill do pass.

CROUCH, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges having had under consideration H. B. No. 135, introduced by Thompson, a bill for An Act entitled, "An Act to Amend Section 8475 of the Revised Statutes of Montana, of 1907, Relating to "Trespassing Stock", recommend that bill do not pass, owing to the fact of the pasage of another bill covering more fully the same ground.

CROUCH, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration House Bill 179 introduced by Gray by request entitled, "An Act to Provide for the Registration and Examination of all trained nurses fixing the number, duties, and qualifications of said Board and providing for the Registration of trained nurses and fixing penalties for the violation of said Act." And recommend the same back for indefinite postponement.

HAMMOND, Chairman.

Adopted.

February 4, 1909.-

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration house bill No. 198, introduced by Safley, a bill for an act to amend Section 1770, of the Revised Codes of Montana, of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death", recommend that the same do pass.

Also having had under consideration House Bill No. 178 introduced by Werner, entitled, "An Act to amend Sections 1609-1616 of the Revised Codes of the State of Montana, relating to the regulation and practice of optometry in the State of Montana", recommend the same back for indefinite postponement.

Also having had under consideration House Bill No. 154 introduced by Smith, entitled, "An Act to repeal Sections 1760-1761-1762 and 1763, Chapter three, Article one, Revised Statutes of the State of Montana of 1907, relating to the registration of deaths ad births", recommend the same back for indefinite postponement.

Also having had under consideration H. B. No. 199, introduced by Edgerton, entitled, "A bill for an Act to amend Section 1504 of the

Revised Statutes of Montana of 1907 to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana, by specially qualified physician and surgeon to be designated and paid out of the General Fund by the Board of County Commissioners of each County, the designation of such physician and surgeon to be approved by the State Board of Health", recommend the same back for indefinite postponement.

Also H. B. No. 167, introduced by Safley, entitled, "A bill for an Act to amend Section 1776 of the Revised Statutes of the State of Montana, relative to registration of births and deaths", recommend back for indefinite postponement.

HAMMOND, Chairman.

Report adopted.

February 3, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration S. B. No. 53, introduced by Edwards, A bill for an Act entitled, "An Act to prohibit the running or conducting of dances in public-dance halls, or other public places of amusement, on Sunday, and to provide penalties for a violation thereof, recommend that it be not concurred in.

BURKE, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration H. B. No. 207, introduced by Norton, A bill for an Act entitled, "An Act to amend Section 3206 of the Revised Codes of Montana of 1907, relating to the classification of cities and towns," recommend that the bill be indefinitely postponed.

BURKE, Chairman.

Report adopted.

February 3, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 203, introduced by Ward, A bill for an Act entitled, "An Act to amend Sections 3318, 3321 and 3324 of the Revised Statutes of Montana of 1907, relating to the formation of a board of Park Commissioners for cities of the first class," recommend the bill do pass with the following eliminations:

In Section 1 the words "Park Commissioners, Appointment, Term, Qualifications, Clerk."

Section 2. "Meetings, General Regulations."

Section 3. "Appointment of Board."

BURKE, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs.

Nos. 87, 98, 104, 106, and 126 and amendments to S. B. No. 11 correctly engrossed.

WARREN, Chairman.

Report received and bills referred to third reading.

### INTRODUCTION OF BILLS.

The following bills were introduced, read first and second time and referred:

House Joint Memorial No. 1, by Harbert, relating to a bill introduced by Jos. M. Dixon, relating to the sale of intoxicating liquors on Flathead Reservation.

Referred to Judiciary Committee.

House Joint Resolution No. 6, by Connelly, relating to Billings Polytechnic Institute.

Referred to Committee on State Institutions.

House Joint Resolution No. 7, by Norton; Joint Resolution relative to opening of Flathead Indian Reservation.

Referred to Committee on State Lands.

H. B. No. 235, by Allen: A bill for an Act declaring it a misdemeanor for a man and woman to associate together for lewd or immoral purposes.

Referred to Committee on Education.

H. B. No. 236, by Norton (by request): A bill for an Act entitled, "An Act to amend Section 3241 of the Revised Codes of Montana, 1907, relating to the salary of Police Judge."

Referred to Judiciary Committee.

H. B. No. 237, by Hall: A bill for an Act entitled, "An Act to restrict the sale or other disposition of cocaine, opium or any of its alkaloids, providing penalties for the violation of any of the provisions of this Act, and repealing all Acts or parts of Acts in conflict herewith."

Referred to Committee on Sanitary Affairs.

H. B. No. 238, by Edgerton: An Act to amend Sections 2680 and 2682 of the Revised Codes, relating to Tax Sales of real property."

Referred to Committee on Judiciary.

H. B. No. 239, by Arnett: A bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain, and manner of enforcement."

Referred to Judiciary Committee.

H. B. No. 240, by Bogart: A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of, and the assistants to the State Examiner.

Referred to Committee on Banks and Banking.

H. B. No. 241, by Berkin: A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to Gambling and Gambling Devices."

H. B. No. 242, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of capitol building and grounds, maintenance and care."

Referred to Appropriation Committee.

H. B. No. 243: A bill for an Act entitled, "An Act to provide for the assessment of livestock creating a migratory stock fund and providing for the collection and distribution of taxes thereon."

Referred to Committee on Towns and Counties.

#### READING OF SENATE BILLS.

The following Senate Bills were read first and second time and referred:

House of Representatives,  
Helena, Montana.

February 4, 1909.

Mr. President:

S. B. No. 33 by Cockrell: A bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors."

In the House, Referred to Committee on Privileges and Election.

S. B. No. 36, by Meyer: A bill for an Act entitled; "An Act to amend Section 3850 of the Revised Codes of Montana of 1907, relating to annual reports of corporations and exempting corporations whose reports are otherwise provided for by law from its requirements." In the House, referred to Judiciary Committee.

S. B. No. 41, by Sykes: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana being a portion of the Political Codes covering regulations of the practice of medicine and examination of applicants. In the House referred to Committee on Sanitary Affairs.

S. B. No. 48, by Annin: A bill for an Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, property and debts between old and new school districts. In the House, referred to Judiciary Committee.

S. B. No. 55, by Sanders: A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Statutes of Montana of 1907, relating to the sale of real estate for delinquent taxes. In the House referred to Judiciary Committee.

S. B. No. 57, by Donlan: A bill for an Act to regulate book making and pool selling upon contests of skill, speed and endurance; requiring a license to engage therein; providing penalties for the violation thereof and to repeal Section 2769, Revised Codes of Montana of 1907. In the House referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

February 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: we have this day read a third time and concurred in House Bills 56, 79 and 76 and I herewith return them.

Respectfully,

NATHAN GODFREY, Secretary.

February 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bills Nos. 33, 36, 41, 48, 55 and 57 were this day read a third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

Moved by King that substitute for H. Bs. Nos. 2 and 102 be made a Special Order of business for 11 A. M. to-morrow.

### THIRD READING OF HOUSE BILLS.

On motion of Pierson H. B. No. 26 was considered, engrossed and placed on third reading, the bill being in the Engrossing Committee.

H. B. No. 106 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, Witmer, Wood, Mr. Speaker,—58.

Noes: None.

Absent and not voting: Connelly, Crutchfield, Harbert, Largey, Mitchell, MacGinniss, Pierson, Pomeroy, Shoemaker, Warren, White, Wilham, Wody,—13. Total 71.

House Bill No. 4, read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Witmer, Wood, Woody, Mr. Speaker,—56.

Noes: None.

Absent and not voting: Connelly, Crutchfield, Hayes, Harbert, Largey, Mitchell, Arnett, MacGinniss, McCoy, Pierson, Pomeroy, Shoemaker, Werner, White, Wilham,—15. Total 71.

House Bill No. 87 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hunter, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray,



Norton, O'Donnell, Owenhouse, Roy, Saffley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Witmer, Wood, Mr. Speaker, 53.

Noes: None.

Absent and not voting: Coit, Connelly, Crutchfield, Dowling, Eliel, Hayes, Mitchell, Harbert, Hutchinson, Largey, MacGinniss, McCoy, Pierson, Pomeroy, Werner, White, Wilham, Woody,—18. Total 71.

House Bill No. 98 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Murray, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Saffley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Witmer, Wood, Mr. Speaker,—52.

Noes: None.

Absent and not voting: Christler, Connelly, Crutchfield, Dowling, Eliel, Frank, Gray, Harbert, Largey, Metzel, Mitchell, MacGinniss, McCoy, Pierson, Warren, Werner, White, Wilham, Woody,—19. Total 71.

On motion of Gray H. B. No. 3 was recalled from the Engrossing Committee and placed on third reading.

House Bill No. 126 was read a third time and passed by the following vote:

Ayes: Allen, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Coit, Connelly, Cummings H. T., Cummings T. A., Dowling, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hunter, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Roy, Saffley, Shaw, Shoemaker, Smith, Thompson, Whaley, Werner, Wilham, Witmer, Wood, Mr. Speaker,—47.

Noes: Arnett, Bogart, Butzerin, Cluston, Crouch, Derry, Edgerton, Gray, Hanifen, Hayes, Hutchinson, Jacobson, Maxwell, Pierson, Pomeroy, Swick, Ward, Warren, Woody,—19.

Absent and not voting: Crutchfield, Harbert, Mitchell, White, Largey,—5. Total 71.

Senate Amendment to House Bill No. 3 was concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metezel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pomeroy, Roy, Saffley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker,—62.

Noes: None.

Absent and not voting: Crutchfield, Cummings H. T., Frank, Harbert, Largey, Mitchell, White, Norton, Pierson,—9. Total 71.



Senate Bill 20 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker.

Noes: None.

Absent and not voting: Connelly, Crutchfield, Cummings H. T., Derry, Frank, Harbert, Largey, Mitchell, McCoy, Pierson, Shoemaker, White,—12. Total 71.

Senate Bill No. 11 read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Coit, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Giovanetti, Gray, Groff, Hammond, Hanifen, Hayes, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Thompson, Swick, Ward, Warren, Whaley, Woody, Mr. Speaker,—49.

Noes: Hall, Shoemaker, Smith, Werner, Witmer, Wood,—6.

Absent and not voting: Clayberg, Connelly, Crutchfield, Cummings H. T., Eliel, Frank, Gibson, Harbert, Hunnter, Hutchinson, Largey, Maxwell, Mitchell, Pierson, White, Wilham,—16. Total 71.

Senate Bill No. 15 read third time and concurred in by following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker—55.

Noes: Duncan, Hammond, Warren,—3.

Absent and not voting: Bogart, Byrnes, Connelly, Crutchfield, Cummings H. T., Frank, Gibson, Hutchinson, Largey, Maxwell, Mitchell, Pierson, White,—13. Total 71.

Dr. Duniway, President of the University of Montana was given the privilege of the floor by unanimous consent and extended an invitation to the House to visit the University on February 19th.

On motion House recessed until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess at 2:30 P. M.

Mr. Speaker in the chair.

Roll call: Quorum present.

## NOTICES OF THE INTRODUCTION OF BILLS.

By Butzerin: A bill relating to the granting of divorce.

By Arnett: A bill for an Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the Organization of Cities and Towns.

By Thompson: An Act to regulate the public service of stallions and jacks in Montana.

By Bogart: A bill for an Act to provide for the taxation of sleeping car companies, and providing the method of fixing the same.

By Crouch: A bill for an Act entitled, "An Act to provide for the submission to the qualified voters of any county the question whether book making or pool selling, or the record or registering of bets or wagers shall be allowed within said county.

By Cluston. A bill for an Act entitled, "An Act to amend Sections 3386 and 3387 of Article X of Chapter III of Title III of Part IV of the Revised Codes of Montana, relating to the assessment of city property for street improvement.

By Shoemaker: A bill for an Act to compel the railroad corporation and other common carriers doing business within the State, to furnish state officers and certain county officers passes or free transportation within the State of Montana.

By Christler: A bill for an Act appropriating money for the payment of the deficiency claim of a certain person.

By Berkin: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana, 1907, relating to hunting and fishing license, and issuing on account of the same."

## MESSAGES FROM THE SENATE.

February 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

S. B. No. 82: A bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of the State of Montana, relating to the foreclosure of chattel mortgages."

Referred to Committee on Judiciary.

S. B. No. 83, by Donlan: A bill for an Act to provide for the taxation of sleeping car companies, and providing the method of fixing the same.

Referred to Committee on Railroads and Transportation.

S. B. No. 89, by Everett: A bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 3 of Article XII of the Constitution, relating to taxation of Mines and Mining Claims."

Referred to Committee on Mines and Mining.

S. B. No. 85, by Muffley: A bill for an Act entitled, "An Act to regulate and control corporations, companies, associations and persons owning, controlling or operating a line or lines, a system or systems of

telegraph or telephones in whole or in part, within this State, and to change, fix, determine and regulate the rates, fares, rentals, tolls, charges, classification, regulations, and conditions to be imposed and service affecting the transmittal and delivery of messages, and the rents and charges for the use of such line, or lines, system or systems, instrument or instruments, or appliances, and placing such corporations, companies, associations and persons under control of the Board of Railroad Commissioners of this State, and giving and imposing upon said Board, powers and duties to change, fix, determine and regulate, such rentals, charges, fares, tolls, classification and services, together with the power and duty to fix, change, determine, and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and persons also to prevent discriminations."

Referred to Committee on Corporation other than Municipal.

S. B. No. 86, by Muffly: A bill for an Act entitled, "An Act to provide for the payment of the actual expenses of county assessors incurred in the performance of official duty.

Referred to Committee on Counties, Towns and Munnicipal Corporations.

S. B. No. 87, by Meyer: A bill for an Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases.

Referred to Committee on Education.

Senate Joint Resolution No. 4, by Annin: Inviting the Trans-Missouri Dry Farming Congress to hold its next annual session at the city of Billings, Montana.

Read and adopted.

Respectfully,

NATHAN GODFREY, Secretary

February 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: notice of the introduction of a bill was this day given as follows:

By Selway: A bill for an Act to amend Section 1794, of the Revised Codes of Montana of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker announced that he was about to sign H. B. No. 3 and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign H. B. No. 28 and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign H. B. No. 36 and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign H. B. No. 59 and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign H. B. No. 90 and thereupon signed it in the presence of the House.

On motion of Derry H. B. No. 145 was referred to Committee on Labor.

On motion of Brewster H. B. No. 41 was taken from Committee on Sanitary Affairs and referred to Committee on State Board and Officers.

On motion of Berkin S. B. No. 57 was taken from Judiciary and referred to Committee on Affairs of Cities.

On motion of Norton House resolved itself into Committee of the Whole.

Pomeroy in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred S. B. No. 46: A bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana of 1907, relating to the manner in which insurance companies, associations or partnerships may transact business in the State of Montana", beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also S. B. No. 47, being a bill for an Act entitled, "An Act prohibiting rebating and discrimination by life insurance companies and providing penalties therefor, and prohibiting the issuance of Special or Advisory Board Contracts and prohibiting certain other practices and providing penalties therefor, and repealing Sections 4141, 4142 and 4143 of the Revised Codes of the State of Montana of 1907", beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also S. B. No. 10 being a bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of detectives; and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party", beg leave to report having had the same under consideration and recommend that the same be concurred in as amended:

Amend Section 2 by striking out in lines 13 and 14 the words "penal statute of the State of Montana has been or is being violated" and inserting in lieu thereof the words "felony has been or is about to be committed".

Amend Section 2 by striking out in line 24 and after the word "shall" all remaining words in said line and also all of line 25 and inserting in lieu thereof the words "not be entitled to any part of said reward".

Amend Section 4 by inserting in line 31 after the word "county" "except counties of the first class".

Also S. B. No. 42 being a bill for an Act entitled, "An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana of 1907, concerning Farmers' Institute", beg leave to report having had same under consideration and recommend that the same be concurred in.

Also H. B. No. 118 being a bill for an Act to amend Section 882, of the Revised Codes of Montana, 1907, relating to the letting of contracts by School Trustees, beg leave to report having had same under consideration and recommend the same do pass; with the following amendments:

Amend Section 1 by inserting the word "school" before the word "trustee" in line 3.

Amend Section 1 by adding thereto the words: "provided, however, the Board of School Trustees shall have the right to reject any and all bids".

Mr. Speaker:

We, your Committee on Engrossment beg leave to report H. Bs. Nos. 58, 71, 93, 95, 105, 123 and 164 correctly engrossed.

WARREN, Chairman.

Mr. Speaker appointed as Committee to investigate penitentiary, Norton, Maxwell, and Hayes.

On motion House adjourned until 10 A. M. to-morrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Thirty-Third Day.

Helena, Montana, February 5th, 1909.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call: Quorum present.

Journal of previous day read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Whaley: A bill entitled, "A bill for An Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this State."

By Coit: A bill for "An Act prohibiting of the wearing of the uniform of the United States Army or Navy or National Guard, and Providing a Penalty for the Violation thereof."

By Connelly: A bill for An Act to Amend Chapter 106 of the laws of 1905 being, "An Act to Provide for the construction of drains and the assessment and collection of taxes therefor" by amending sections 5 and 6 of Article I, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 19 of Article II, Sections 1, 2, 3, and 4, of Article III,



Sections 1, 2, 4, 6, and 9 of Article IV, Sections 1, 2, 3 and 4 of Article V, Section 6 of Article VI, and Section 18 of Article VIII thereof, and by adding a section to Article II thereof to be known as section 22, and by adding a section to Article IV thereof to be known as Section 10, providing for Appeals from awards of special commissioners and assessments of Boards of Review, and repealing sections 5, 11 and 12 of Article V thereof."

By Coif: A bill for An Act to establish a sub-station of the Agriculture Experimental Station to be located in Sweet Grass County and authorizing the Governor and Secretary of State, on behalf of the State, to accept lands, materials and money donated for said purposes.

By Gray: A bill for An Act entitled, "An Act Regulating the use of the exhibits in evidence.

### MOTION.

Helena, Montana, February 5th, 1909.

Mr. Speaker:

I move that this House reconsider its action of yesterday in adopting that part of the report from the Committee on Sanitary Affairs recommending that the following bills be indefinitely postponed:

H. B. 178 introduced by Werner.

H. B. 154 introduced by Smith.

H. B. 167 introduced by Safley.

H. B. 199 introduced by Edgerton.

EDGERTON.

On motion tabled.

### REPORT OF STANDING COMMITTEES.

February 4, 1909.

Mr. Speaker:

We, your Committee on Libraries, having had unnder consideration H. B. No. 96, introduced by Byrnes, being an "Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and provide for the maintenance thereof", recommend that it do pass as amended.

ALLEN, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report Bills No. 26 and 115 correctly engrossed.

WARREN, Chairman.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 230, being "An Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution", having had said bill under consideration beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted



February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 220, being a bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphans' Home or Asylum", having had said bill under consideration beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 19, introduced by Cluston, being a bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part, III, Title II, of the Political Code of the State of Montana relating to the duties of canvassing Boards", recommend that the same be referred to the Judiciary Committee.

McCOY, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election, having had under consideration S. B. No. 9, introduced by Donlan, being a bill for an Act entitled, "An Act to provide for ascertaining the choice of the Electors of the different Counties in the State of Montana of a Candidate for Senator in Congress for Montana for each Political Party in said State", recommend that the bill be not concurred in.

McCOY, Chairman.

Adopted on roll call by the following vote:

Ayes: Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crouch, Dowling, Duncan, Elliott, Frank, Garber, Giovanetti, Hammond, Hanifen, Hayes, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Whaley, Wilham, Woody, Mr. Speaker,—34.

Noes: Arnett, Bogart, Butzerin, Coit, Connelly, Cummings H. T., Gray, Hall, Harbert, Hunter, Jacobson, Kelsey, Maxwell, Metzel, Murray, Pomeroy, Safley, Shaw, Eliel, Shoemaker, Smith, Swick, Werner, Witmer, Wood,—28.

Absent and not voting: Allen, Brewster, Cummings T. A., Derry Gibson, Thompson, Warren, White,—8.

Paired: Crutchfield, Edgerton, Croff, Hutchinson,—4. Total 71.

February 5, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 215, introduced my Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims

for expenses of the State Auditor", having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections having had under consideration S. B. No. 6 introduced by Donlan, being an Act entitled, "An Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of Senators and Representatives", recommend that the same do pass.

McCOY, Chairman.

Report adopted.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 116, being a bill for an Act entitled, "An Act to amend Section 4882. Revised Statutes, 1907, relating to the compensation of Water Commissioner", having had said bill under consideration beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 218, being a bill for an Act to amend Sections 317, 318, 320, 325, 327 and 328 of the Revised Codes of Montana of 1907, making the jurisdiction of Notaries Public co-extensive with the boundaries of the State, and relating to the manner of certifying their official Acts, and authorizing the Secretary of State and County Clerks to certify to their official character of Notaries Public, providing the fees therefor, and the execution and approval of their Bonds", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted as read.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 166, being a bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing lands for public city or town parks and grounds", having had said bill under consideration beg leave to report same back to the House with the recommendation that same do pass, after being amended as follows:

Amend the Title of said bill by inserting after the word "purchasing" the words, "and improving".

Amend Section 1, by inserting after the word "purchasing" in line

§ thereof, the words "and improving".

Amend Section 1 by inserting after the word "lands" in line 12 the words "and improving same".

FRANK, Chairman.

Report adopted as read.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 212, being a bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of the State of Montana of 1907, relating to personality," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 221, being a bill for an Act entitled, "An Act to determine the liability of any company, corporation or individual for damages sustained by any employees thereof and to declare void contracts restricting such liabilities", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted as read.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 94, being a bill for an Act entitled, "An Act to amend Section 7116 of the Revised Code of Montana, relating to dismissal of appeals to the Supreme Court of the State", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 4, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election, having had under consideration H. B. No. 30, introduced by Clayberg, being an Act entitled, "An Act to provide for the procedure in case of tie votes in the State, county and city elections," recommend that the same be referred to the Judiciary Committee .

McCOY, Chairman.

Report adopted as read.

February 5, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No 91, being a bill for an Act to provide for the payment of the actual necessary expenses of Judges of the District Court when holding Court in his district in any county not the county of residence of such Judge", having

had said bill under consideration, beg leave to report said bill back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

#### INTRODUCTION OF BILLS.

The following bills were to-day read first and second time and referred:

H. B. No. 244, by Gray: A bill for an Act relating to the deposit of funds in the hands of the State Treasurer designating the Depositories thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution creating a State Depository Board.

Referred to Committee on State Board and Officers.

H. B. No. 245, by Frank: A bill for an Act entitled, "An Act to provide for non-partisan nominations for Judicial Officers",

Referred to Committee on Privileges and Election.

H. B. No. 246, by McCoy: An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.

Read a first time by Title a second time at length and referred to Appropriation Committee.

H. B. No. 247, by Norton (by request): A bill for an Act entitled, "An Act to amend Section 3245 of the Revised Codes of Montana, 1907, relating to the salary of Chief of Police within cities."

Referred to Committee on Affairs of Cities.

H. B. No. 248, by Christler: A bill for an Act to appropriate Two Hundred and Fifty Dollars for the payment of the deficiency claim of Dr. D. S. McKensie, for service as Meat and Milk Inspector, in Chouteau County, from December 1, 1904, to March, 31, 1905, inclusive.

Read a first time by Title, second time at length and referred to Appropriation Committee.

H. B. No. 249, by Crouch: A bill for an Act entitled, "An Act to provide for the submission to qualified voters of any county the question whether book making or pool selling, or the record or registering of bets or wagers shall be allowed within said county.

Referred to Committee on Affairs of Cities.

H. B. No. 250, by Berkin: A bill for an Act entitled, "An Act to amend Section 8557, of the Revised Codes of Montana of 1907, relating to the Pollution of streams, and to repeal Section 8558 of the Revised Code of Montana of 1907.

Referred to Judiciary Committee.

H. B. No. 251, by Berkin: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, and issuing an account of the same."

Referred to Committee on Fish and Game.

H. B. No. 252, by Bogart: A bill for an Act to provide for the tax-

ation of Sleeping Car Companies, and providing the method of fixing the same."

Referred to Committee on Railroads and Transportation.

H. B. No. 253, by MacGinniss: A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of school physicians."

Referred to Committee on Sanitary Affairs.

H. B. No. 254, by Arnett: A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns."

Referred to Committee on Affairs of Cities.

H. B. No. 255, by Cluston (by request): A bill for an Act entitled, "An Act to amend Sections 3386 and 3387 of Article X, of Chapter III, Title III, Part IV of the Revised Codes of Montana," relating to the assessment of city property for street improvements.

Referred to Committee on Affairs of Cities.

H. B. No. 256, by Committee on Privileges and Election: Being a bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana, of 1907, relative to the Division of cities and towns into wards by City or Town Councils."

Referred to Committee on Privileges and Elections.

H. B. No. 257, by Thompson: A bill for an Act to regulate the public service of stallions and jacks in Montana.

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 258, by MacGinniss: A bill for an Act to amend Section 4213, of the Revised Codes of Montana of 1907, relating to the fees of the Secretary of State for filing Incorporation Papers of co-operative Associations.

Referred to Committee on State Boards and Officers.

#### MESSAGES FROM THE SENATE.

February 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: The following bills were introduced, read first and second time and referred.

S. B. No. 88: A bill for an Act to amend Section 1744 of the Revised Codes of Montana of 1907, relating to exhibiting of hides, of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.

Referred to Committee on Stock Growing and Grazing.

Respectfully,

NATHAN GODFREY, Secretary.

February 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: notices of the introduction of bills were this day given as follows:

By Cockrell: A bill for an Act entitled, "An Act to provide that the coroner of the county wherein the State Prison is located, may hold an inquest over the body of deceased prisoners; and providing for the expenses of such inquests."

By Annin: A bill for an Act entitled, "An Act to create the county of Stillwater by designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between said County of Stillwater and the Counties of Carbon, Sweetgrass and Yellowstone.

By Edwards: A bill for an Act entitled, "An Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana 1907, relating to the duties and salaries of the Secretary Deputy of the Bureau of Child and Animal Protection.

Respectfully,

NATHAN GODFREY, Secretary.

February 4, 1909.

Mr. Speaker:

I am directed to inform your Honorable Body, that: Senate Bills Nos. 26 and 34 have this day read a third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bill numbered 18 having been read a third time and passed is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

Norton moved that when the House adjourned it adjourn until 2.30 Monday, February 8, 1909.

#### READING OF SENATE BILLS.

The following Senate Bills were read first and second time and referred:

S. B. No. 26, by Cowgill: A bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another."

In the House, read first and second time and referred to Committee on Judiciary.

S. B. No. 34, by Muffy: A bill for an Act entitled: "An Act prohibiting marriage between white persons and negroes or persons of negro blood, and between white persons, Chinese, and Japanese, and making such marriage void; and prescribing punishment for solemnizing such marriages."

In the House, read first and second time and referred to Committee on Education.

S. B. No. 18, introduced by Donlan: A bill for an Act entitled, "An



Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe rights, powers and duties thereof to provide for the acquisition either by construction, purchase or otherwise and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expenses of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of Section 2309 to 2302 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907.

In the House read first and second time and referred to Committee on Irrigation and Water Rights.

On motion of Frank, House resolved into Committee of the Whole for the consideration of Special Orders. H. Bs. substituted for H. Bs. 2 and 102.

Norton in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reports as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill being substitute for 2 and 102: A bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered and providing penalties for the breach of the same.

Report adopted.

Substitute for House Bill 2 and 102 was read a third time and passed by the following vote

Ayes: Allen, Arnett, Brewster, Burke, Butzerin, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Dowling, Duncan, Edgerton, Eliel, Frank, Garber, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Mitchell, Murray, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker,—50.

Noes: Bogart, Berkin, Crouch, Elliott, Giovanetti, Hanifen, Lehrkind, Metzel, MacGinniss, O'Donnell, Thompson, Ward, Warren,—13.

Absent and not voting: Byrnes, Christler, Crutchfield, Cummings, T. A., Derry, Gibson, Hutchinson, White,—8. Total 71.

Mr. Speaker announced that he was about to sign Bill No. 11, and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign Bill No. 12, and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign Bill No. 15, and thereupon signed it in the presence of the House.

## THIRD READING OF HOUSE BILLS.

H. B. No. 26 was read a third time before the roll was called. MacGinniss and ten others demanded a call of the House. On motion further proceedings under the call was dispensed with, the roll being called House Bill passed by the following vote:

Ayes: Allen, Berkin, Burke, Christler, Clayberg, Cluston, Crouch, Dowling, Byrnes, Duncan, Elliott, Frank, Garber, Giovanetti, Hammond, Hanifen, Hayes, Jacobson, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker,—36.

Noes: Bogart, Brewster, Butzerin, Coit, Connelly, Cummings H. T., Eliel, Gray, Hall, Harbert, Hunter, Jacobson, Kelsey, Maxwell, Meizei, Murray, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, Witmer, Wood,—26.

Absent and not voting: Arnett, Cummings T. A., Derry, Gibson, White,—5.

Paired: Crutchfield, Edgerton, Groff, Hutchinson,—4. Total 71.

## MOTIONS AND RESOLUTIONS.

Concurrent Resolution, offered by Woody:

Providing for the observance by the Elventh Legislative Assembly of the State of Montana of Lincoln's Day.

WHEREAS, this Legislative Assembly has passed an Act making the 12th day of February of each year a holiday to be known as Lincoln's Day:

AND WHEREAS, it is fit and proper that the first observance of Lincoln's Day be recognized by this Legislative Assembly by some appropriate action.

THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, that the Senate and House meet in Joint Session on Friday the 12th day of February, 1909, at the hour of 2 o'clock P. M., and that an invitation be extended to Dr. S. A. Duniway, President of the State University, who has made a special study of, and who is recognized as one of the most eminent authorities on the Life of Abraham Lincoln.

Mr. Speaker:

I move you that House Bills Nos. 43, 44 and 63 be made a Special Order of business for next Tuesday, 3 P. M. (signed) McCoy.

Substitute by Kilgallon that the bills take their regular course.

Substitute carried.

Mr. Speaker:

I move reconsideration of vote by which S. B. No. 41 was referred to Committee on State Officers.

ELIEL.

Motion to reconsider carried and bill referred to Committee on Sanitary Affairs.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs.

Nos. 107, and 118, correctly engrossed.

WARREN, Chairman.

On motion adjourned.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Thirty-Sixth Day.

Helena, Montana, February 8th, 1909.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

### NOTICES OF INTRODUCTION OF BILLS.

By Hutchinson: A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist, and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county Health Officers, local and county Food Inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for certificate of health for dairy cattle, providing an appropriation for enforcing the provisions of this Act, and the rules and regulations of the State Board of Health made in conformity herewith, repealing Acts and parts of Acts in conflict herewith.

By Hayes: A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or Corporations operating Railways or Railroads in this State for damages sustained by employees thereof, and to declare void contracts restricting such liability."

By Edgerton: A bill for an Act entitled, "An Act providing for the registration of Electors in Counties, Cities and Towns, and for Penalties for the violation thereof."

By Crouch: A bill for an Act entitled, "An Act prescribing the maximum fees to be charged by physicians, defining the word physician and providing penalties for violations thereof."

By Byrnes: A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of blasting powder.

By Byrnes: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores.

By Connelly: A bill for an Act entitled, "An Act to provide for a Commission Plan of City Government for cities of the first class and second class, providing for the election of officers thereunder, defining their duties and powers, and providing for their compensation."

By Gray: A bill for an Act entitled, "An Act to provide for the appropriation of \$8,000 from the Fish and Game Fund for the purchase and distribution among the various counties, of Hungarian Pheasants.

By Gray. A bill for an Act entitled, "An Act to exempt household goods from taxation.

By Woody: A bill for an Act entitled, "An Act making an appropriation for the furnishing of the Library Building of the State University of Missoula."

By Shoemaker: A bill for an Act to amend Section 2057 of the Revised Codes of Montana, relating to the power of County Commissioners to reject bids for the care of the poor and to provide for the employment of a superintendent and his duties and compensation.

By Smith: A bill for an Act entitled, "An Act to amend Section 4885, Revised Codes, 1907, State of Montana, relating to the term of office of the Water Commissioner."

By Maxwell: A bill for an Act entitled, "An Act to enable qualified electors to vote by mail."

By McCoy: A bill for an Act entitled, "An Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulation of the State Board of Health in respect to the lighting and ventilating of public buildings."

By Berkin: A bill for an Act entitled, "An Act to prohibit the indiscriminate scattering of poisoned grain upon the ground, and providing penalties for the violation thereof."

By Hanifen: A Resolution providing for the appointment of a Joint Committee to inspect the State Reform School at Miles City, Montana.

By Hammond: A motion amending the rules of the House.

#### INTRODUCTION AND READING OF BILLS.

The following bills were to-day introduced, read first and second time and referred:

H. B. No. 259, by Coit: A bill for an Act prohibiting the wearing of the uniform of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof.

Referred to Committee on Military Affairs.

H. B. No. 260, by Coit: A bill for an Act to establish in Sweet Grass County, Montana, and providing for the acquisition or acceptance of title to the lands for the same, and the direction thereof, and appropriating money therefor."

Read first time by title and second time at length and referred to Appropriation Committee.

H. B. No. 261, by Clayberg: A bill for an Act entitled, "An Act to amend Section 5813 of the Revised Codes of Montana, 1907, and to repeal Section 5818 of the Revised Codes of Montana, 1907, relating to the issuance of execution."

Referred to Judiciary Committee.

H. B. No. 262, by Byrnes: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the Grand Stand of the Montana State Fair."

Read first time by title, second time at length and referred to Committee on Appropriation.

H. B. No. 263, by Byrnes: A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars.

Referred to Committee on Railroads and Transportation.

H. B. No. 264, by Whaley: A bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of Water Rights from the streams of this State."

Referred to Committee on Irrigation and Waterways.

H. B. No. 265, by Gray: A bill for an Act entitled, "An Act to amend Section 9749 of the Revised Codes of Montana of 1907, relating to the use of exhibits as Evidence."

Referred to Judiciary Committee.

H. B. No. 266, by Norton, by request: A bill for an Act entitled, "An Act to amend Section 3240 of the Revised Codes of Montana 1907, relating to the salaries of Mayor and Alderman of cities and towns."

Referred to Committee on Affairs of Cities.

H. B. No. 267, by MacGinniss: A bill for an Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same."

Referred to Committee on Banks and Banking.

H. B. No. 268, by MacGinniss: A bill to punish derogatory statements affecting banks.

Referred to Committee on Banks and Banking.

H. B. No. 269, by MacGinniss: A bill for an Act relating to the payment of deposits in two names.

Referred to Committee on Banks and Banking.

H. B. No. 270, by MacGinniss: An Act to amend Section 5923 of the Revised Codes of Montana, relative to the payment of instruments made payable at a bank.

Referred to Committee on Banks and Banking.

By MacGinniss: An Act to punish the making or use of false statements to obtain credit.

Referred to Committee on Banks and Banking.

H. B. No. 272, by MacGinniss: An Act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Referred to Committee on Banks and Banking.

H. B. No. 273, by MacGinniss: A bill for an Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations.

Referred to Committee on Banks and Banking.

H. B. No. 274, by MacGinniss: A bill for an Act to amend Section 4213 of the Revised Codes of Montana of 1907, relating to the fees of the Secretary of State for filing Incorporation Papers of co-operative Associations.

Referred to Committee on State Boards and Officers.

H. B. No. 275, by Berkin: A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana of 1907,



authorizing and empowering the State Game and Fish Warden to create additional Game and Fish Districts and to appoint additional special Deputy Game and Fish Wardens."

Referred to Committee on Fish and Game.

#### REPORTS OF SELECT COMMITTEES.

February 6th, 1909.

Mr. Speaker:

Your Committee selected to investigate sale of State Timber Lands, beg to report that on February 5th, 1909 the following motion was adopted by the said Committee, to-wit:

"That said Committee extend to each member of the Legislature in both Senate and House an opportunity to testify to any fact or evidence that they have in their possession regarding the investigation, and that if they know of any or possessed of any, facts regarding the matter at issue, that they hand in their names to the Chairman or any other member of the Committee."

Respectfully,

COWGILL.

February 8, 1909.

Mr. Speaker:

We, your Committee on Printing beg leave to report House Bills Nos. 37, 23, 84, 88, 110, 127, 135, Sub. 4136, 143, 145, 148, 152, 161, 166, 170, Sub. for 172, 190, 191, 198, 200, 203, 234, Concurrent Resolution No. 2, H. J. Memorial No. 4, correctly printed.

O'DONNELL, Chairman.

Received. Bills placed on General Order.

February 5, 1909.

Mr. Speaker:

We, your Committee on Labor to whom was referred H. B. No. 145, introduced by Werner, an Act entitled, "An Act for the protection of the employees quitting their employment or discharged employees, and providing penalties for the violation of this Act," respectfully submit the same back to the House with the following amendments:

Amend Section 1 to read as follows: Every person in the employ of any corporation, co-partnership, company, association of persons, or individual, quitting or leaving employment and after due notice having been given, be entitled to payment for all services to date within forty-eight (48) hours thereafter.

Amend Section 2 in line 3 after the word "employ" insert the words "after due notice".

In line 4 preceding the word "date" insert the words "expiration of forty-eight (48) hours after the", and recommend the same do pass as amended.

HAYES, Chairman.

Report adopted.



February 4, 1909.

Mr. Speaker:

We, your Committee on privileges and Election having had under consideration H. B. No. 223, introduced by Lowney, being a bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, 1907, relating to Judges and Clerks of Election, Voting Precincts and Election Precincts within cities and towns", recommend that the same do pass.

McCOY, Chairman.

Report adopted as read.

February 8, 1909.

Mr. Speaker:

I move that the Special Committee appointed to investigate the sale of the State Lands be empowered to employ an attorney to assist them in making the investigation.

HUTCHINSON.

On motion of Frank motion tabled.

February 5, 1909.

### MESSAGES FROM THE GOVERNOR.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that I have this day approved and deposited with the Secretary of State the following House Bills:

H. B. 3: An Act to amend Section 611 of the Revised Statutes, relating to the use of voting machines in counties and cities.

H. B. 28: An Act making an appropriation of money for the State Orphans' Home at Twin Bridges, Montana, for the maintenance thereof for the months of January and February, 1909.

H. B. 36: An Act appropriating money for the claim of Julius Barney for services rendered as pay master in paying to the Spanish-American-War Veterans the back pay due them for services between the time of enrollment and mustering into service.

H. B. 59: An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors for the year 1909.

H. B. 90: An Act to appropriate the \$31,000.00 for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the Insane Asylum for the two years expiring March 1, 1909.

EDWIN L. NORRIS, Governor.

### THIRD READING OF SENATE BILLS.

S. B. No. 46 was read third time and on motion of Pierson was re-referred to General Orders.

S. B. No. 47 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Coit, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan,

Edgerton, Elliott, Frank, Gibson, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—54.

Noes: Cluston, Hayes,—2.

Absent and not voting: Butzerin, Christler, Connelly, Crutchfield, Derry, Eliel, Garber, Giovanetti, Gray, Groff, Kilgallon, Largey, Mitchell, O'Donnell, Wilham,—15. Total 71.

S. B. No. 42 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Woody, Mr. Speaker,—55.

Noes: None.

Absent and not voting: Bogart, Butzerin, Christler, Connelly, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Kilgallon, Largey, Mitchell, Smith, Wilham, Wood,—16. Total 71.

### THIRD READING OF SENATE BILLS..

H. B. No. 58 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—56.

Noes: None.

Absent and not voting: Butzerin, Christler, Connelly, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Kilgallon, Largey, Mitchell, Shoemaker, Smith, White,—15.

H. B. No. 71 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—56.

Noes: None.

Absent and not voting: Butzerin, Christler, Connelly, Crutchfield, Derry, Dowling, Edgerton, Eliel, Giovanetti, Groff, Kilgallon, Largey, Mitchell, Smith, Wilham.—15. Total, 71.

H. B. No. 93 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Butzerin, Christler, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Kilgallon, Largey, Mitchell, McCoy, Roy, Smith, Wilham. Total 71.

H. B. No. 95 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Edgerton, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—53.

Noes: Duncan, King,—2.

Absent and not voting: Butzerin, Christler, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Kilgallon, Largey, Maxwell, Mitchell, Roy, Smith, Thompson, Wilham,—16. Total 71.

H. B. No. 105 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Edgerton, Elliott, Frank, Garber, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kelsey, King, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—49.

Noes: Duncan, Gibson, Jacobson, Lehrkind, Warren,—5.

Absent and not voting: Butzerin, Christler, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Gray, Groff, Kilgallon, Largey, Maxwell, Mitchell, Roy, Smith, Thompson, Wilham,—17. Total 71.

H. B. 123 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Gray, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Metzel, Murray, McGinniss, McCoy,

Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—55.

Noes: None.

Absent and not voting: Christler, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Hayes, Kilgallon, Largey, Maxwell, Mitchell, Pierson, Smith, Thompson, Wilham,—16. Total 71.

H. B. No. 164 was read a third time and passed by the following vote:

Ayes: Brewster, Arnett, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Frank, Garber, Gibson, Gray, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—50.

Noes: Bogart, Clayberg, Elliott, Hall, MacGinniss, Swick,—6.

Absent and not voting: Christler, Crutchfield, Derry, Dowling, Eliel, Giovanetti, Groff, Kilgallon, Largey, Mitchell, Roy, Smith, Thompson, Wilham, Allen,—15. Total 71.

Mr. Shoemaker moved that the rule be suspended and H. B. 115 be considered read.

Mr. Speaker ruled motion out of order.

On motion of Norton, House adjourned.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Thirty-Seventh Day.

Helena, Montana, February 9, 1909.

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the chair.

Roll call. Absent: Bogart, Berkin, Christler, Crutchfield, Derry, Frank, MacGinniss, Owenhouse, Mitchell, excused. Quorum present.

Journal approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

By Byrnes: A bill for an Act entitled, "An Act to provide for the selection of Umpire Assayers within this State and providing penalties for the violation thereof.

By Burke: A bill for an Act entitled, "An Act appropriating money out of the Fish and Game Fund to be used for the Fish Hatchery at Anaconda, Montana."

Helena, Montana, February 8th, 1909.

Mr. Speaker:

I move to amend Rule XII of the Rules of the House, by adding to it a paragraph which shall be designated (No. 7) and which shall read as follows:

No member of the House who has obtained the floor for the purpose of explaining his vote, under a roll call of ayes and noes, shall utilize or abuse that privilege for the purpose of making an argument for or against the motion then pending.

HAMMOND.

Motion adopted.

#### REPORTS OF STANDING COMMITTEES.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 36, being a bill for an Act entitled, "An Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of corporations, and exempting corporations whose reports are otherwise provided for by law from its requirements", having had said bill under consideration beg leave to report same back to the House with the recommendation that it be concurred in, after being amended as follows:

Amend Section 1 of said bill, by striking out the words "then existing" or" occurring in line 17 of Section 3850 thereof.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 174, being a bill for an Act entitled, "An Act to amend Section 6384 of the Revised Codes of Montana of 1907 (Section 393 of the Code of Civil Procedure) relating to the oath to be taken by attorneys at law admission to practice," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 181, being a bill for an Act entitled, "An Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenging of trial jurors in criminal actions", having had said bill under consideration beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Townships and Counties to which was referred H. B. No. 147, introduced by Burke, and being a bill for an Act entitled, "An Act to create the county of Musselshell, designating and defining its boundaries and providing for its organization and government, and to apportion the indebtedness existing between the said county of Musselshell and counties of Yellowstone and Fergus", having had the same

under consideration, report the same back with the recommendation that it be indefinitely postponed.

DUNCAN, Chairman.

Ordered printed.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration H. B. No. 249, introduced by Crouch, a bill for an Act entitled, "An Act to provide for the submission to qualified voters of any county the question whether book making or pool selling, or the record or registering of bets or wagers shall be allowed in said county," recommend that the bill be indefinitely postponed.

BURKE, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation having had under consideration Senate Bill No. 27 entitled: A bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana to equip its locomotive engines with electric headlights of not less than 1500 candle power without the aid of a reflector, or other headlight of not less than 1,500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act," respectfully report the same back to the House and recommend that it be concurred in.

PIERSON, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Owing to the increase of work on the Engrossing Committee, the present force is insufficient, and we are unable to keep up the work. Kindly furnish two additional clerks, one stenographer and one reading clerk.

The two following names are submitted for your approval, Mrs. A. K. Wilham, and Miss M. Becker.

Respectfully submitted,

WARREN, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred S. B. No. 21, being a bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be concurred in, after being amended as follows:

Amend Section 1, by striking out the word "unless" in line 5 of said Section, and inserting in lieu thereof the word "if"; and by striking out the words "it shall affirmatively appear that the error



complained of has resulted in a miscarriage of justice," in lines 7 and 8, of said Section, and insert in lieu thereof the words "the state has affirmatively shown that the error complained of has not affected the substantial rights of the accused."

FRANK, Chairman.

February 9, 1909.

Mr. Speaker:

We, the undersigned minority members of your Committee upon Judiciary having had under consideration S. B. No. 21, being a bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes", beg leave to recommend that S. B. No 21 be not concurred in.

GIBSON.

DUNCAN.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred S. B. No. 21, being a minority of said Committee beg leave to report that having had same under consideration recommend that it be concurred in without amendment.

WOOD.

Moved that majority report be adopted.

Moved as an amendment that the minority report signed by Gibson and Duncan be adopted.

Moved as a substitute that the minority signed by Wood be adopted.  
Substitute carried.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration S. B. No. 57, introduced by Donlan: A bill for an Act entitled, "An Act to regulate book making and pool selling upon contest of skill, speed and endurance; requiring a license to engage the rein; providing penalties for the violation thereof, and to repeal Section 2769, Revised Codes of Montana, 1907".

This bill being covered by Substitute for H. B. No. 2 and 102, we recommend that it be not concurred in.

BURKE, Chairman.

On motion re-referred to Judiciary Committee.

February 9, 1909.

Mr. Speaker:

We, your Committee on Labor, having had under consideration H. B. No. 201, introduced by Wilham, A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over, beg leave to report same back to the House with the recommendation that it do pass.

HAYES, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Townships and Counties to which was referred H. B. No. 243, introduced by Pierson, and being a bill for an Act entitled, "An Act to provide for the assessment of live stock, creating a migratory stock fund, and providing for the collection and distribution of taxes thereon", having had the same under consideration, report the same back with the recommendation that it do pass.

DUNCAN, Chairman.

Adopted as read.

February 9, 1909.

Mr. Speaker:

Your Committee on Rules beg leave to submit the following amendment to the House Rules already adopted, to-wit: All Bills, Memorials and Resolutions upon their third reading shall be read in full, except where they are voluminous, in which case, by two-thirds vote they may be considered read.

This rule shall not apply to appropriation bills.

Respectfully submitted,

BURKE, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Education having had under consideration H. B. No. 235, introduced by Allen, being a bill for an Act entitled, "An Act declaring it a misdemeanor for a man and woman to associate together for lewd or immoral purposes" recommend that the same do pass.

HAMMOND, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration H. B. No. 247, introduced by Norton: A bill for an Act entitled, "An Act to amend Section 3245 of the Revised Codes of Montana, 1907, relating to the salary of Chief of Police within Cities," recommend the bill be indefinitely postponed.

BURKE, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 222, being a bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary", having had said bill under consideration, beg leave to

report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration H. B. No. 241, introduced by Berkin, A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices";

Recommend that in Section 8416 that the words "gambling Games. Prohibited" be stricken out;

And in same Section the words "used in cigar stores or other places of business" be stricken out;

As amended recommend the bill do pass.

BURKE, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 239, being a bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain, and manner of enforcement", having had said bill under consideration, beg leave to report same back to the House with the recommendation that same be indefinitely postponed.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 224, being A bill for an Act entitled, "An Act to amend Section 3258 of the Revised Codes of Montana, of 1907, relating to the official bonds of officers of cities", having had said bill under consideration, beg leave to report same back to the House with the recommendation that same be indefinitely postponed.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 177, being A bill for an Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenges of Jurors in Criminal Actions", having had said bill under consideration, beg leave to report same back to the House with the recommendation that same be indefinitely postponed.

FRANK, Chairman.

Adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration H. B. No. 100, introduced by Safley: A bill for an Act entitled, "An Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana of 1907, relating to certificates of qualifications of teachers and to amend Section 908, Revised Codes of Montana of 1907, relating to qualification of teachers", recommend that the same do pass as amended.

FRANK, Chairman.

Adopted as read.

House Bill No. 100 amendment.

Section 901 amended by inserting in line No. 2, after the word "County" the words "Superintendent or".

#### INTRODUCTION OF BILLS.

The following bills were to-day introduced:

By Pierson: A bill for an Act entitled, "An Act to amend Section 1805 of the Revised Codes of Montana of 1907, relating to the inspection of horses before removal from the State."

By Pierson: A bill for an Act to define Banking, to prohibit Banking except by banks incorporated under National or Montana Banking Laws, or by foreign banking corporations complying with Montana laws, limiting use of words "bank", "banker" or "banking" exempting private banks doing business January 31, 1909, from the Act and fixing penalties for the violation thereof."

By Connelly: A bill for an Act to amend Chapter 106 of the laws of 1905 being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor" by amending Sections 5 and 6 of Article 1, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 19, of Article II, Section 1, 2, 3, and 4, of Article III, Section 1, 2, 3, 4, 6, and 9, of Article IV, Sections 1, 2, 3, and 4, of Article V, Section 6 of Article VI, and Section 18 of Article VIII, thereof and by adding a section to Article II thereof to be known as Section 22, and by adding a Section to Article IV thereof to be known as Section 10, providing for appeals from awards of Special Commissioners and assessments of Boards of Review, and repealing Sections 5, 11, and 12, of Article V thereof."

By Gray: A bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, relating to exemptions from taxation."

By Byrnes: A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant or blasting powder."

By Byrnes: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."

By Shoemaker: A bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana, relating to the Board of County Commissioners to reject bids for the care of the poor and to provide for the employment of a superintendent and his duties and compensation."

By Smith: A bill for an Act entitled, "An Act to amend Section 4885, Revised Codes, 1907, of the State of Montana, relating to the term of office of Water Commissioners."

By Hayes: A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this State for damages sustained by employees thereof, and to declare void contracts restricting such liability."

By Hutchinson: A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist, and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for a certificate of health for dairy cattle, providing an appropriation for enforcing the provisions of this Act, and the rules and regulations of the State Board of Health made in conformity herewith, repealing Acts and parts of Acts in conflict herewith."

By McCoy: A bill for an Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventilating of public buildings.

By Berkin: A bill for an Act entitled, "An Act to prohibit the indiscriminate scattering of poisoned grain or other eatable substance upon the surface of the ground, where the same can be found and eaten by any bird, chicken or fowl and providing penalties for the violation thereof."

House Joint Resolution, by Hanifen: Resolved that a Joint Committee consisting of three members of the House of Representatives and two members of the Senate be appointed to inspect the State Reform School at Miles City, and to report to this Assembly.

#### MOTIONS AND RESOLUTIONS.

Mr. MacGinniss asked to have H. B. No. 258 referred to Committee on Ways and Means.

#### READING OF HOUSE BILLS.

The following bills were today read first and second time and referred:

H. B. No. 276, by Pierson: A bill for an Act entitled, "An Act to amend Section 1805 of the Revised Codes of Montana of 1907, relating to the inspection of horses before removal from the State." Referred to Committee on Live Stock and Public Ranges.

H. B. No. 277, by Pierson: A bill for an Act to define Banking, to prohibit Banking except by banks incorporated under National or Montana Banking Laws, or by foreign Banking Corporations complying with Montana Laws, limiting use of words 'bank,' 'banker,' or 'banking,'

exempting private banks doing business January 31, 1909, from the Act, and fixing penalties for violation thereof."

Referred to Committee on Banks and Banking.

H. B. No. 278, By Connelly: A bill for an Act to amend Chapter 105 of the Laws of 1905, being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor," by amending Sections 5 and 6 of Article 1, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19 of Article II, Sections 1, 2, 3 and 4 of Article III, Sections 1, 2, 3, 4, 6 and 9 of Article IV, Sections 1, 2, 3 and 4 of Article V, Section 6 of Article VI, and Section 18 of Article VIII thereof, and by adding a section to Article II thereof to be known as Section 22, and by adding a Section to Article IV thereof to be known as Section 10, providing for appeals from awards of Special Commissioners and assessments of Boards of Review, and repealing Sections 5, 11 and 12 of Article V thereof.

Referred to Judiciary Committee.

H. B. No. 279, by Gray: A bill for an Act entitled: "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, relating to exemptions from taxation."

Referred to Judiciary Committee.

H. B. No. 280, by Byrnes: A bill for an Act entitled, "An Act to prevent and punish frauds in the sale of giant or blasting powder."

Referred to Committee on Mines and Mining.

H. B. No. 281, by Byrnes: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."

Referred to Committee on Mines and Mining.

H. B. No. 282, by Shoemaker: A bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana, relating to the power of the Board of County Commissioners to reject bids for the care of the poor and to provide for the employment of a superintendent and his duties and compensation."

Referred to Judiciary Committee.

H. B. No. 283, by Smith: A bill for an Act entitled, "An Act to amend Section 4885, Revised Codes, 1907, of the State of Montana, relating to the term of office of the Water Commissioners."

Referred to Committee on State Boards and Officers.

H. B. No. 284, by Hayes: A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this State for damages sustained by employees thereof, and to declare void contract restricting such liability."

Referred to Committee on Railroads and Transportation.

H. B. No. 285, by Hutchinson: A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county food inspectors, regulating the slaughter of animals and their prepara-



tion for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for a certificate of health for dairy cattle, providing an appropriation for enforcing the provisions of this Act and the rules and regulations of the State Board of Health, made in conformity herewith, repealing Acts and parts of Acts in conflict herewith."

Read first time by title, second at length and referred to Committee on Sanitary Affairs.

H. B. No. 286, by McCoy: A bill for an Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventilation of public buildings.

Referred to Committee on State Institutions.

H. B. No. 287, by Berkin: A bill for an Act entitled, "An Act to prohibit the indiscriminate scattering of poisoned grains or eatable substances upon the surface of the ground, where the same can be found and eaten by any bird, chicken or fowl, and providing penalties for the violation thereof."

Referred to Committee on Fish and Game.

House Joint Resolution No. 10, by Hanifen: Resolved that a Joint Committee consisting of three members of the House of Representatives and two members of the Senate be appointed to inspect the State Reform School at Miles City, and report to this Assembly.

Read and adopted.

### READING OF SENATE BILLS.

The following Senate Bills were read first and second time and referred:

S. B. No. 5, by Donlan: A bill for an Act to amend Section 2897 of the Revised Codes of Montana, concerning the duty of County Commissioners to contract for county printing.

In the House, read first and second time and referred to Committee on Printing.

S. B. No. 60, by Romney (by request): A bill for an Act entitled, "An Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana, of 1907, relative to the designation of Pioneer Day, filing of essays, and course of exercises."

In the House, read first and second time and referred to Committee on Education.

S. B. No. 62, by Selway: A bill for an Act to amend Sections 1711 and 1712 of the Revised Codes of Montana of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines.

In the House, read first and second time and referred to the Committee on Mines and Mining.

S. B. No. 64, by Everett: A bill for an Act to amend Section 4308 of the Revised Codes of 1907, relating to the killing of live stock by railway corporations.

In the House, read first and second time and referred to the Committee on Railroads and Transportation.

S. B. No. 66, by Rae: A bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County Commissioners."

In the House, read first and second time and referred to the Committee on State Boards and Officers.

S. B. No. 67, by Long: A bill for an Act entitled, "An Act to prevent discrimination by surety companies."

In the House, read first and second time and referred to the Committee on Insurance.

S. B. No. 68, by Meyer: Entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, 'An Act authorizing the incorporation of endowment and investment companies,' approved March 7, 1905, etc."

In the House, read first and second time and referred to the Committee on Insurance.

S. B. No. 68, by Meyer: Entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowment and investment companies,' approved March 7, 1909."

In the House, read first and second time and referred to the Committee on Corporations other than Municipal.

S. B. No. 71, by Rae: A bill for an Act entitled, "An Act concerning the payment of deposits in bank in trust."

In the House, read first and second time and referred to the Committee on Banks and Banking.

February 9th, 1909.

S. B. No. 64, by Everett: A bill for an Act entitled, "An Act to amend Section 4308 of the Revised Codes of 1907, relating to the killing of live stock by railway corporations."

In the House, read first and second time and referred to the Committee on Railroads and Transportation.

#### AFTERNOON SESSION.

House met pursuant to adjournment at 2.30 P. M.

Mr. Speaker in the chair.

#### REPORTS OF STANDING COMMITTEES.

February 9, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration H. B. No. 186, introduced by O'Donnell, being an "Act to provide for the selection of a site for the erection of a State Hospital to be located at or near Butte, Montana, Silver Bow County, Montana, to be called the State Hospital for Injured Persons, and to provide for the management of the same," recommend that it be indefinitely postponed.

SHOEMAKER, Chairman.

Moved as an amendment that bill be printed.

Roll call.

Amendment adopted by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pomeroy, Roy, Smith, Ward, Warren, Whaley, Werner, Wood, Mr. Speaker.—45.

Noes: Cluston, Coit, Derry, Groff, Hall, Pierson, Safley, Shaw, Shoemaker, Thompson, Swick, White, Witmer, Woody.—15.

Absent and not voting: Brewster, Christler, Clayberg, Dowling, Gray, Hayes, Largey, Mitchell, Owenhouse, Wilham.—11. Total, 71.

February 9, 1909.

Mr. Speaker:

We, Your Committee on Printing, beg leave to report House Bills Nos. 91, 94, 96, 215, 218 and 220 correctly printed.

O'DONNELL, Chairman.

Report received. Bills placed on General Orders.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 26, being a bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another, "having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be not concurred in.

FRANK, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 32, being a bill for an Act entitled, "An Act to detach Teton County from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two Judges in the said Eighth Judicial District, one of whom shall keep his chambers at Choteau, Teton County," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be concurred in, after being amended as follows:

Amend Section 4 of said bill, by striking out the words "holding court" in lines 3 and 4 thereof, and insert in lieu thereof the words "official business."

FRANK, Chairman.

Adopted as read.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 197, being, A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from police and justice's courts, having had said bill under consideration, beg leave to report the same back to the

House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Fish and Game, having had under consideration H. B. No. 146, being a bill for an Act entitled, "An Act to provide for the construction and furnishing of a State Fish Hatchery in Flathead County, Montana, for the propagation of Commercial Food Fish and other Fish, and appropriating money therefor," report the same back to the House with the recommendation that it do pass with the following amendments:

Amend Section 4 by striking out the whole thereof and inserting the following: "Section 4. There is hereby appropriated out of any moneys in the Fish and Game Fund not otherwise appropriated or required, for the maintenance and support of the office of the State Fish and Game Warden and the payment of his salary and the salaries of his deputies, the sum of \$8,000.00 to be used for the construction and furnishing of said hatchery and appurtenances."

Amend Section 5 by striking out the whole thereof and inserting the following:

"Section 5. There is hereby appropriated out of any moneys in the Fish and Game Fund not otherwise appropriated or required for the maintenance or support of the office of the State Fish and Game Warden, and the payment of his salary and the salaries of his deputies, the sum of Three Thousand Dollars (\$3,000.00) for the year 1909, and the sum of Three Thousand Dollars (\$3,000.00) for the year 1910, to be used for the maintenance and operation of said hatchery."

BERKIN, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report amendments to Senate Bill No. 10, as correctly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bills Nos. 56, 76, 79 as properly enrolled.

WOODY, Chairman.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 43, being a bill for an Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed, having had said bill under consideration, beg leave to report same back to the House with the recommendation that same be concurred in.

FRANK, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Joint Memorial No. 9, relating to a bill introduced by Jos. M. Dixon, relating to the sale of intoxicating liquors on Flathead Reservation, having had said House Joint Memorial under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

Mr. Speaker:

I move to amend line 16, page 2, of House Bill No. 204, as originally presented, by inserting therein after the word "auction" the words "to the highest and best bidder," and by striking out in lines 24, 25, 26 and 27 of said page 2 the words "except in cases where the property seized is perishable, in which case the same may be sold any time after twenty-four hours from the date of the publication of such notice of sale," and inserting in lieu thereof the following:

"Provided, that in cases where the property seized is perishable the same may be sold by such officers without publishing a notice thereof upon such public notice, and under such terms and conditions, as in the discretion of such officers may seem conducive to secure the full value thereof." And, further, by adding at the end of Section 1, page 3, a sentence to read as follows:

"The cost of advertising notice of sale, as herein required, shall be paid from the fish and game fund."

BERKIN, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Joint Resolution No. 8, introduced by Connelly, relating to building a Polytechnic Institute, recommend that the same do pass.

SHOEMAKER, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration H. B. No. 60, introduced by Kilgallon, being a bill for "An Act to provide a Home for aged, decrepit or crippled miners and prospectors, and, under certain conditions, to admit the dependent wives or mothers of said miners and prospectors to said Home, and to provide for the purchase or acceptance by gift of suitable lands on which the said Home is to be erected; and providing for a Board of Managers and other employees; and outlining their duties; and further providing ways and means for the conduct of said Home; and providing for the expenses of maintenance of said Home;

and making the necessary appropriation to carry out the provisions of this Act," recommend that it be indefinitely postponed.

SHOEMAKER, Chairman.

Report amended by ordering bill printed.

February 9, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, having had under consideration House Joint Resolution No. 6, introduced by Connelly, relating to the employment of prisoners confined in the State Prison of the State of Montana, recommend that the same be re-referred to the Committee on Labor.

SHOEMAKER, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 175, being "A bill for an Act to amend Section 2197, Revised Codes of Montana of 1907, and authorizing the State Board of Land Commissioners to invest the permanent School fund, permanent University fund, permanent Agricultural College fund, permanent School of Mines fund, permanent Normal State School fund, permanent Reform School fund, and permanent Deaf and Dumb Asylum fund in any state, county, city or school district securities of this State, or in any bonds issued against the State Land Grant for buildings at the Capital, or in any irrigation district bonds of the State of Montana." having had said bill under consideration, report the same back to the House with the recommendation that it do pass.

OWENHOUSE, Chairman

Report adopted.

February 8th, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred Senate Bill No. 24, being a bill for an Act entitled, "An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau, by Counties and by Chambers of Commerce, Commercial Bodies, Farmer's Institutes, Co-operative Societies of Farmers, State Federated Trades Unions, and other Industrial Associations of Protective Character; to provide for the publication and publicity of such statistics; to provide for appropriations by Counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said Bureau," having had said bill under consideration, report the same back to the House with the recommendation that it be referred to the Committee of Development and Publicity.

OWENHOUSE, Chairman.

Report adopted.



## NOTICES OF INTRODUCTION OF BILLS.

By Harbert: A bill for an Act requiring the names of candidates for Judicial and Educational Office to be placed in separate column on official election ballot.

By Norton: A bill for an Act to impose on contractors on State Buildings and State works, certain conditions as to labor and wages.

By Shoemaker: A bill for an Act entitled, "An Act relating to trusts, monopolies and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities and fixing the punishment for infraction of the provisions thereof."

## MESSAGES FROM THE SENATE.

February 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

Senate Bill No. 89, by Edwards: A bill for an Act entitled, "An Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana, 1907, relating to the duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

Referred to Judiciary Committee.

S. B. No. 90, by Everett: A bill for an Act to amend Sections 4256, 4257, 4264 and 4266 of the Revised Codes of Montana of 1907, relating to Cemetery Associations.

Referred to Committee on Towns, Counties and Municipal Corporations.

S. B. No. 91, by McDonnell: A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer and pay over to him moneys by them collected under authority of law, at least once each month or when directed by the State Board of Examiners."

Referred to Judiciary Committee.

S. B. No. 92, by McDonnell: A bill for an Act entitled, "An Act to amend Section 188 of the Revised Codes of Montana of 1907, relating to the quarterly report of the State Treasurer."

Referred to Judiciary Committee.

S. B. No. 93, by Long: A bill for an Act entitled, "An Act relating to Banks and Banking, and Trust Deposit and Security Companies, and creating a Depositor's Guaranty Fund."

Referred to Committee on Corporations other than Municipal.

S. B. No. 94, by Annin: A bill for an Act entitled, "An Act to create the County of Stillwater, by designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between said county of Stillwater and the Counties of Carbon, Sweet Grass and Yellowstone."

Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 96, by Cockrell: A bill for an Act entitled, "An Act to

appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State Prison."

Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY, Secretary.

February 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the introduction of a bill was this day given as follows:

By Annin: A bill for "An Act to amend Sections 825 and 846 of the Revised Codes of Montana of 1907, and providing for the instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of District School Trustees and providing for penalties for the failure to make such reports."

S. B. No. 95, by Cockrell: A bill for an Act entitled, "An Act providing that the Coroner of the County wherein the State Prison is located may hold an inquest over the body of deceased prisoners; and providing for the expenses of such inquests."

Referred to Judiciary Committee.

Respectfully,

NATHAN GODFREY, Secretary.

February 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that we have have this day read a third time and passed Senate Bills No. 62, 60, 5, 71, 68, 67, 66, and 64, and they are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that we have this day read a third time and conferred in House Bills No. 80 and 5 and are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 8th, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that we have this day read a third time and concurred in House Bills No. 47 and 97 as amended, and are herewith returned for your concurrence in Senate amendments.

Respectfully,

NATHAN GODFREY, Secretary.

**THIRD READING OF HOUSE BILLS.**

House Bill No. 115 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Kilgallon, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—52.

Noes: Jacobson, Kelsey, King.—3.

Absent and not voting: Brewster, Butzerin, Byrnes, Crutchfield, Derry, Dowling, Frank, Garber, Gibson, Gray, Hunter, Largey, Maxwell, Mitchell, Owenhouse, Wilham.—16. Total, 71.

Title approved.

House Bill No. 118 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Brewster, Butzerin, Crutchfield, Cummings T. A., Gray, Hammond, Hunter, Largey, Mitchell, Pierson, Wilham, Woody, Mr. Speaker.—12. Total, 71.

Title agreed to.

House Bill No. 107 read third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Brewster, Berkin, Crutchfield, Dowling, Edgerton, Gibson, Gray, Groff, Largey, Mitchell, Roy, Wilham.—12.

Excused: Eliel.—1. Total 71.

**THIRD READING OF SENATE BILLS.**

Senate Bill No. 10 read a third time and non-concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Burke, Byrnes, Coit, Connelly, Cummings T. A., Edgerton, Eliel, Frank, Gibson, Giovanetti, Hall, Hammond, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Lowney, Metzel, Murray, MacGinniss, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Ward.—31.

Noes: Bogart, Berkin, Butzerin, Christler, Clayberg, Cluston, Crouch, Cummings H. T., Derry, Duncan, Elliott, Garber, Groff, Hanifen, Hayes, Jacobson, Lehrkind, Maxwell, McCoy, Norton, O'Donnell, Pier-son, Roy, Shoemaker, Smith, Thompson, Swick, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—34.

Absent and not voting: Crutchfield, Dowling, Gray, Largey, Mitchell, Wilham.—6. Total, 71.

On Motion House adjourned until 10.30 A. M. tomorrow, February 10, 1909.

W. W. McDowell, **Speaker**

Attest CHAS. Z. POND, Chief Clerk.

## Thirty-Eighth Day.

Helena, Montana, February 10th, 1909.

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

By Smith: A bill for an Act entitled, "An Act requiring persons who treat communicable diseases to make report to the Health Officer."

By Duncan: A bill for an Act to amend Section 6520 of the Revised Codes of Montana, 1907, relating to the service of summons by publication.

### REPORTS OF STANDING COMMITTEES.

February 9, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration House Bill No. 226, introduced by Gray, a bill for an Act entitled, "An Act to provide for the regulation and manufacture of creamery butter," and recommend that it be indefinitely postponed.

HAMMOND, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration H. B. No. 203, presented by MacGinniss, a bill for an Act entitled, "An Act prescribing for the appointment and prescribing the duties of

school physicians," recommend that it do pass.

HAMMOND, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 83, introduced by Pierson, a bill for an Act entitled, "An Act to amend Sections 1889, 1890 and 1891, relating to the powers of the State Live Stock Sanitary Board, authorizing the slaughter of diseased animals, or animals exposed to disease, and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851 and 1853 of the 1907 Revised Codes of Montana," beg leave to report the same back to the House with the recommendation that the bill do pass.

CROUCH, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 52, introduced by Brewster, a bill for an Act entitled, "An Act to define the word 'Estray,' to provide for the gathering and sale of estrays, and providing penalties for the taking up, using or disposing of estrays contrary to law,"

Report a substitute therefor entitled, "An Act providing penalties for the taking up, using or disposing of horses, mules or asses contrary to law," and recommend that it do pass.

CROUCH, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 232, introduced by Norton: A bill for an Act entitled, "An Act to regulate the practice of Veterinary Surgery in all its various branches in the State of Montana; providing for a State Veterinary Board and prescribing its duties; prescribing penalties for its violation and repealing all inconsistent Acts," beg leave to report the same back to the House with the recommendation that the bill do not pass.

CROUCH, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 55, introduced by A. H. Gray, a bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana for their approval or rejection, an amendment to Section 6 of Article 13 of the Constitution of the State of Montana relating to the indebtedness of Cities," recommend a substitute entitled, "An Act providing the submission to the electors of the State of Mon-

tana, for their approval or rejection, an amendment to Section VI, Article XIII, of the Constitution of the State of Montana, relating to the indebtedness of cities," and recommend the substitute do pass.

BURKE, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 254, introduced by Arnett: A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns," beg leave to report the same back to the House with the recommendation that the bill do pass.

BURKE, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Military, having had under consideration H. B. No. 228, introduced by Duncan, being a bill for an Act entitled, "An Act to conform the organization and discipline of the organized militia of the State of Montana to the requirements of the Act of Congress entitled, 'An Act to promote the efficiency of the Militia and for other purposes,' approved January 21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1074, 1082 and 1100 of the Revised Codes of Montana of 1907, relating to the Militia and National Guard of Montana," recommend that the bill be printed.

COIT, Chairman.

Report adopted.

February 9, 1909.

Mr. Speaker:

We, your Committee on Military, having had under consideration H. B. No. 259, introduced by Coit, being a bill for an Act entitled, "An Act prohibiting of the wearing of the uniform of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof," recommend that the same do pass.

COIT, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to announce House Bills 5 and 80 as correctly enrolled.

WOODY, Chairman.

#### INTRODUCTION OF BILLS.

The following bills were today introduced, read first and second time and referred:

H. B. No. 288, by Burke: A bill for an Act entitled, "An Act to appropriate money from the Fish and Game Fund for the completion of the State Fish Hatchery at Anaconda, Montana, and the maintenance and operation of the same for the years 1909 and 1910."

Referred to Committee on Fish and Game.



H. B. No. 289, by Byrnes: A bill for an Act entitled, "An Act to provide for the selection of umpire assayers within this State and providing penalties for the violation thereof."

Referred to Committee on Mines and Mining.

H. B. No. 290, by Harbert: A bill for an Act requiring the names of candidates for Judicial and Educational Office to be placed in a separate column of Official Election Ballot.

Referred to Committee on Privileges and Elections.

H. B. No. 291, by Edgerton (by request): A bill for an Act entitled, "An Act to make Foreign Corporations and Joint Stock Companies, Corporations and Joint Stock Companies of this State for purposes of Jurisdiction and to make the Stocks and Shares of such Corporations and Joint Stock Companies subject to attachment the same as the stocks and shares of Domestic Corporations are subject to Attachment under the Laws of this State."

Referred to Judiciary Committee.

House of Representatives,  
February 10, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following bills were today introduced, read first and second time and referred:

Substitute for House Bill No. 52, introduced by Committee on Live Stock and Public Ranges, a bill for an Act providing penalties for the taking up, using or disposing of horses, mules or asses contrary to law.

Referred to Printing Committee.

Substitute for House Bill No. 55, by Committee on Affairs of Cities, a bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana for their approval or objection, an amendment to Section VI, Article XIII, of the Constitution of the State of Montana, relating to the indebtedness of cities."

Referred to Printing Committee.

#### MESSAGES FROM THE SENATE.

February 9, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of introduction were this day given as follows:

By Romney: A bill for an Act entitled, "An Act to provide for party nominations by direct vote."

By Edwards: A bill for an Act entitled, "An Act to create the county of Musselshell, designating and defining its boundaries and to provide for its organization and government and apportion the indebtedness existing between the said county of Musselshell and the counties of Yellowstone and Fergus."

Respectfully,

NATHAN GODFREY, Secretary.

February 9, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. No. 97, by Annin: A bill for an Act to amend Sections 825 and 846 of the Revised Codes of Montana of 1907 and providing for instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees, and providing for penalties for the failure to make such reports.

Referred to Committee on Education.

S. B. No. 98, by Tooley: A bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes in relation to the election of School Trustees and the classification of School Districts."

Referred to Committee on Education.

S. B. No. 99, by Cockrell: A bill for an Act to amend Section 2047 of the Revised Codes of Montana of 1907, relating to local option.

Referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 101, by Sanders: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State."

Referred to Committee on Elections and Privileges.

S. B. No. 100, by Cardwell: A bill for an Act to amend Section 1171 of the Revised Codes of Montana of 1907, relating to the admission, care and retention of persons and children in the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana.

Referred to Committee on Public Buildings.

Senate Substitute for H. B. No. 67, by Harbert: A bill for an Act entitled, "An Act to amend Sections 2313, 2315 and 2318 of Part III, Title X, Chapter 1, of the Political Code, relating to the election of Directors in Irrigation Districts."

Referred to Printing Committee.

Concurrent Resolution No. 2, by Long: Relating to the creation of Glacier Park.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker announced that he was about to sign House Bill No. 5, and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign House Bill No. 80, and thereupon signed it in the presence of the House.

Mr. Speaker:

I move that yesterday's vote on Senate Bill No. 10 be reconsidered.

WITMER.

On motion laid on table.

Connelly asked to have House Bill No. 278 taken from the Judiciary and referred to Committee on Water Rights and Irrigation.

Smith asked permission to revert to order of business notices.

Permission granted.

On motion, House Joint Memorial No. 4 made a Special Order immediately.

House resolved itself into Committee of the Whole for consideration of House Joint Memorial No. 4, and other bills on General Order.

Thompson in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee, of the Whole, to whom was referred House Joint Memorial No. 4, beg leave to report having had the same under consideration and recommend that same do pass.

Also S. B. No. 6, being a bill for an Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of senators and representatives, recommend said bill be concurred in.

Also S. B. No. 46, being a bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana of 1907, relating to the manner in which Insurance Companies, Associations or Partnerships may transact business in the State of Montana," recommend said bill be concurred in with the following amendments:

Amend Section 1 by striking out in line 19, after the word "cause" word "of" and inserting in lieu thereof the words "service of process cannot be made upon."

Also, S. B. No. 27, being a bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana to equip its locomotive engines with electric headlights of not less than 1,500 candle power without the aid of a reflector, or other headlights of not less than 1,500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act," recommend said bill be concurred in.

On motion of Norton, recessed until 2 o'clock.

### AFTERNOON SESSION.

House met pursuant to recess at 2 o'clock.

Mr. Speaker in the chair.

Roll call: Quorum present.

### MOTIONS.

Harbert asked unanimous consent to introduce H. J. M. No. 11.

"Whereas, the party platforms of both the republican and democratic parties, represented in the Eleventh Legislative Assembly, promised and agreed to enact a primary election law; and,

"Whereas, the bills heretofore introduced in the Legislative Assembly, for the purpose of carrying out these platform promises, have been defeated; therefore, be it

"Resolved, the Senate concurring, that a committee of two members of this House be appointed, one by the chairman of the republican caucus and one by the chairman of the democratic caucus, to meet with

a like committee of Senators, appointed in like manner by the respective chairmen of the republican and democratic caucuses of the Senate, to prepare and report, at its earliest possible convenience, a bill which shall comply with and make effective the declarations of said party platforms."

On motion, rules suspended. H. J. M. No. 11 introduced. Rules suspended, and H. J. M. No. 11 passed.

Hayes moved that H. B. No. 284 be taken from Committee on Railroads and Transportation and referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

The following messages were received:

February 10, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Irrigation and Water Rights reported back to the Senate a Senate Substitute for H. B. No. 67, the report was adopted and H. B. No. 67 is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 10, 1909.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that:

House Bill No. 26 was read a first time by title, when consideration of H. B. No. 26 objected to, and on motion bill rejected and is herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Groff, Chairman of Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 21, beg leave to report having had the same under consideration and recommend that same be not concurred in.

Mr. Speaker:

I move to amend Section 1 by striking out in line 4 the word "unless" and inserting in lieu thereof the word "if"; and by striking out in lines 5 and 6 the words "it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice," and inserting in lieu thereof the words "the state has affirmatively shown that the error complained of has not affected the substantial rights of the accused."

FRANK.

Also, S. B. No. 43, beg leave to report having had the same under consideration and recommend the same be concurred in. A bill for an Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of United States Senators.

Also, Sub. H. B. No. 122: A bill for an Act entitled, "An Act to amend Section 1484 of the Revised Statutes, 1907, of the State of Montana, relative to the appointment and duties of Boards of Health.

Also, H. B. No. 140: A bill for an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the months ending February 28, 1909, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 153, "A bill for an Act entitled, "An Act to repeal Section 8386 of the Revised Statutes of the State of Montana, 1907, relating to the burial of bodies without physician's certificate," beg leave to report having had same under consideration and recommend the same do pass.

Also, H. B. No. 156, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana."

Also, Sub. H. B. No. 113, "A bill for an Act to amend Sections 77, 78, 79, and repeal Section 80 of the Revised Statutes of Montana of 1907, relating to the compensation of members, officers and employees of the Legislative Assembly," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 6, lines 27 and 28, by striking out the words "its passage and approval" and substituting in lieu thereof the words "the first Monday in January, 1911."

Also, House Joint Resolution No. 1: Joint Resolution relative to election of United States Senators by popular vote—beg leave to report having had same under consideration and recommend the same do pass.

Also, H. B. No. 43, a bill for an Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of United States Senators, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 44, a bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana of 1907, in relation to form of ballots to be used, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 63: A bill for an Act entitled, "An Act to amend Subdivision 1 of Section 1161 of the Political Code of the State of Montana, relating to Proclamations of Election by the Governor," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 160, An Act entitled, "An Act to amend Sections 3808, 3825 and 3826 of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations to acquire, own, hold, mortgage, pledge and dispose of Capital Stock, bonds, securities, or other evidences of indebtedness of other corporations," beg leave to report having had same under consideration and recommend the same do pass.

Also, H. B. No. 108, An Act entitled, "An Act authorizing persons



who are owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and to ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 1 by inserting after the word "established" in line 3 the words "and operate and maintain."

### REPORTS OF STANDING COMMITTEES.

February 11, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 34, introduced by Muffley, being a bill for an Act entitled, "An Act prohibiting marriage between white persons and negroes, persons of negro blood, and between white persons and chinese and Japanese, and making such marriage void and prescribing punishment for solemnizing such marriage", recommend that the House concur in said bill after amending it by striking out Section 4 and renumbering the other sections in conformity thereto.

HAMMOND, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election, having had under consideration Senate Bill No. 33, introduced by Cockrell, being a bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors", recommend that the same be concurred in.

McCOY, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election, having had under consideration H. B. No. 245, introduced by Frank, being a bill for an Act entitled, "An Act to provide for non-partizan nominations for Judicial Offices", recommend that the same do not pass.

McCOY, Chairman.

Report adopted.

Duncan moved that report of Committee of the Whole be segregated and all except that part relating to H. B. No. 160 be adopted.

Motion amended that report as a whole be adopted.

Duncan demanded a roll call.

The report was adopted by the following vote:

Ayes: Arnett, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry,



Dowling, Edgerton, Elliott, Frank, Giovanetti, Gray, Groff, Hammond, Hanifen, Harbert, Jacobson, King, Lowney, Mitchell, MacGinniss, McCoy, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Werner, White, Witmer, Mr. Speaker,—42.

Noes: Coit, Duncan, Garber, Gibson, Hall, Hayes, Hutchinson, Kelsey, Lehrkind, Wood,—10.

Absent and not voting: Allen, Bogart, Burke, Cluston, Crouch, Eliel, Hunter, Kilgallon, Largey, Maxwell, Metzel, Murray, O'Donnell, Owenhouse, Shoemaker, Whaley, Wilham, Woody,—18. Total 71.

On motion report of the Committee of the Whole was adopted as read by the above roll call.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 20 and 42, and thereupon signed them in the presence of the House.

On motion of Christler, House Bill No. 191 was made a Special Order for 3 P. M. to-morrow.

House adjourned at 10:30 to-morrow.

W. W. McDOWELL, Speaker

Attest: CHAS. Z. POND, Chief Clerk.

## Thirty-Ninth Day.

Helena, Montana, February 11, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call: Quorum present.

Journal approved as read.

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### INTRODUCTION OF BILLS.

By Smith: A bill for an Act to amend Section 1500, Revised Codes, 1907, of the State of Montana, relating to the definition of the term "communicable disease".

By Gray: A bill for an Act entitled, "An Act to provide for an appropriation to carry on the work of the Agricultural Experimental Sub-Station in Cascade County.

By Smith: A bill for an Act entitled, "An Act to amend Section 1772, Revised Codes, 1907, of the State of Montana, relating to the reporting of births."

By Wilham: A bill for an Act entitled, "An Act to prevent frauds by mining companies and others engaged in mining.

By Woody: A bill for an Act entitled, "An Act to amend Section 3116 of the Revised Codes of Montana of 1907, relating to the compensation and salary of county officers."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the Executive Judicial Departments of the State Government for two years, namely from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911."

By Hunter: A bill for an Act entitled, "An Act appropriating money to be credited to the Bounty Fund, for the purpose of paying bounty on wild animals.

By Pomeroy: A bill for an Act entitled, "An Act to create the county of Lincoln, designate its boundaries, and provide for its organization and Government."

By Berkin: A bill for an Act to amend Section 3121 of the Revised Codes of Montana, 1907, of Deputy Sheriffs in counties of the First Class."

#### REPORTS OF STANDING COMMITTEES.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 231, being a bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections, 2886, 2891, 2892 and 2893 of the Revised Codes in conflict herewith and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be printed.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 202, being a bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of deputies to County Officers and Assistants, having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 45, being a bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for the municipal purposes and now held or owned by bona fide holders thereof for value, and the issuance of funding bonds therefor," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 195, being a bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana of 1907, relating to the punishment of attempt to commit crime," having had said bill under consideration, beg leave to report same back to the House with the recommendation that the same be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 250, being a bill for an Act entitled, "An Act to amend Section 8557, of the Revised Codes of Montana of 1907, relating to the pollution of streams, and to repeal Section 8558 of the Revised Codes of Montana of 1907", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:

Amend Section 1 to read as follows:

"Any person owning or operating, either in person or by agent, any coal mine or wood pickling plant, who permits or causes to be permitted, the discharge of any coal slack or poisonous or injurious pickling substance into any stream containing fish, or water which is to be used for domestic or irrigation purposes, without having first purified the water or substance discharged into any such streams, so that it is non-injurious to the fish in such stream, and to human or animal life, is guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than two hundred nor more than one thousand dollars for each offense."

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 233, being a bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana of 1907, relating to witnesses, "having had said bill under consideration, beg leave to report same back to the House with the recommendation that same do pass.

FRANK, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred H. B. No. 181, being a bill for an Act entitled, "An Act to insure accuracy in the sampling of ores", beg leave to report the same back to the House with a recommendation that it do pass with the following amendments:

In line 17, after the word "than" insert the words "fifty pounds"

making the line read, "not less than fifty pounds out of each ton of such ore";

Strike out the whole of Section 3, and insert in lieu thereof, the following:

"Section 3. Any person who shall with intent to defraud in any manner introduce into any ores or co-mingle with any ores intended for sale to any smelter or which any person, association or corporation shall have undertaken for hire to smelt, or into any sample retain for test or assays as in the next proceeding section provided, any matter whatever shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars, nor more than One Thousand Dollars, or by imprisonment in the County Jail for a period of not less than sixty days, nor more than twelve months or by both such fine and imprisonment."

BYRNES, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Mines and Mining to whom was referred H. B. No. 280, being a bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant or blasting powder", beg leave to report the same back to the House and recommend that it do pass with the following amendments:

"Strike out the words Fifty Dollars, in the last line of Section 1, and insert in lieu thereof, the words, "One Hundred Dollars", making the line read, "nor less than One Hundred Dollars," instead of "not less than Fifty Dollars".

BYRNES, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

We, your Committee on Townships and Counties, to which was referred H. B. No. 211, introduced by Arnett, being a bill for an Act entitled, "An Act to create the county of Shaw, to define its boundaries and to provide for its organization" ,beg leave to report that after having had same under consideration, recommend that it be indefinitely postponed.

DUNCAN, Chairman.

On motion bill ordered printed.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 171, being a bill for an Act entitled, "An Act to amend Section 2742 of the Revised Codes of 1907, relating to the payment of taxes under protest", having had said bill under consideration, report the same back with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred Substitute for House Bill No. 171, being a bill for an Act entitled, "An Act to amend Sections 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest and fixing the time within which suit shall be commenced for the recovery of same", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation having had under consideration H. B. No. 252, entitled, "A bill for an Act to provide for the taxation of sleeping car companies, and providing the method of fixing the same", respectfully report the same back to the House and recommend that the same be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation having had under consideration H. B. No. 263, entitled, a bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars", respectfully report the same back to the House and recommend that the same do pass.

PIERSON, Chairman.

Adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal having had under consideration H. B. No. 129, introduced by Clayberg: A bill for an Act entitled, "An Act to amend Section 3850 of the Revised Codes of Montana, of 1907, relating to the Annual Reports and Statements of Corporations", respectfully report the same back to the House, and recommend that it be indefinitely postponed.

CRUTCHFIELD, Chairman.

Adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Railroads and Corporations having had under consideration H. B. No. 209, entitled, "A bill for an Act to require Railway Corporations, Operators, Agents or Persons in charge of railroad, telegraph or telephone stations to report delayed trains and providing a method thereof", respectfully report back to the House a substitute therefor, at the request of Mr. Conelly, and recommend that said Substitute do pass in lieu of the bill introduced.

PIERSON, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation having had under consideration H. B. No. 182, respectfully report back to the House a substitute, at the request of Mr. Berkin, and recommend that said substitute do pass, in lieu of the bill formally introduced.

PIERSON, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 173, being a bill for an Act entitled, "An Act requiring all saloons and places where intoxicating liquors are sold or in any manner dispensed under a license issued under the laws of the State of Montana, to be, and remain closed from and after one o'clock A. M. and until six o'clock A. M.", having had said bill under consideration beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:

1. Amend the Title of said bill by striking out the words "one o'clock A. M." in line 4 of said Title, and inserting in lieu thereof the words "twelve o'clock mid-night."

2. Amend Section 1 of said bill by striking out the words "one o'clock A. M." appearing in lines 4 and 5 of said section and inserting in lieu thereof the words "twelve o'clock mid-night".

Amend Section 2 of said bill by striking out the words "one o'clock A. M. appearing in line 6 of said Section 2, and inserting in lieu thereof the words "twelve o'clock mid-night'.

4. Amend Section 3 of said bill by striking out the words "one o'clock A. M." appearing in line 4 of said Section 3 and inserting in lieu thereof the words "twelve o'clock mid-night."

5. Amend said bill by striking out Section 4 thereof, and renumbering Sections 5, 6 and 7 to correspond to the foregoing sections.

FRANK, Chairman.

Report adopted.

February 10, 1909.

Mr. Speaker:

We, the undersigned, constituting a minority of your Judiciary Committee, beg leave to report, having had under consideration H. B. No. 173, being a bill for an Act entitled, "An Act requiring all saloons and places where intoxicating liquors are sold or in any manner dispensed under a license issued under the laws of the State of Montana, to be, and remain closed from and after one o'clock A. M. and until 6 o'clock A. M., and recommend that it do pass without amendment.

CLAYBERG.

HAMMOND

WOODY.

On motion report lost.



February 11, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 89, 141, 201 and 223 correctly printed.

O'DONNELL, Chairman.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report that amendments to Senate Bills 32, 36 and 46 as properly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Engrossing, beg leave to report House Joint Memorial No. 4 as correctly engrossed.

WARREN, Chairman.

February 9, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, having had under consideration House Bill No. 214, being a bill for an Act entitled, "An Act to amend Section 1497 of the Revised Codes of Montana of 1907, relating to Boards of Health", respectfully herewith report as substitute thereof, and recommend that the substitute do pass.

OWENHOUSE, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Education to whom was referred H. B. No. 34, beg leave to report the same back to the House with the following amendments:

Strike out Section 4 and renumber the following sections to comply therewith, and as so amended recommend the same do pass.

HAMMOND, Chairman.

February 11, 1909.

Mr. Chairman:

Your Committee on Sanitary Affairs having had under consideration H. B. No. 237, introduced by Hall, being a bill for an Act entitled, "An Act to restrict the sale of other dispositions of cocaine, opium or any of its alkaloids of this Act, providing penalties for the violation of any of the provisions of this Act and repealing all Acts or parts of Acts in conflict herewith", respectfully submit in lieu thereof Substitute House Bill No. 237, introduced by Committee on Sanitary Affairs, being a bill for an Act entitled, "An Act to restrict the sale of the alkaloid, cocaine or its salts, alpha or beta, eucaine or their salts, providing penalties for the violation thereof, repealing Acts and parts of Acts in conflict herewith, recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

Mr. Speaker:

I shall on to-morrow or some subsequent day move to amend House Rule XLII to read as follows:

**REPORT OF COMMITTEE OF THE WHOLE.**

After business upon which House resolved itself into Committee of the Whole shall be completed, the Committee without motion (or at any time upon motion) shall rise and report. If more than one bill, petition, memorial or resolution was considered in the Committee of the Whole the report of that Committee shall be upon each bill, petition, memorial or resolution separately.

EDGERTON.

Mr. Speaker:

I hereby give notice that on to-morrow I will offer an amendment to Rule 23, Section 2 on matters of reconsideration.

SHOEMAKER.

Crutchfield, Chairman, announced that Democratic Caucus had named Pierson as the Democratic Member to act on the conference committee required by House Joint Memorial No. 4.

Maxwell announced that the Republicans had not selected and named a member.

MacGinniss moved that the Journal show that the Democrats had appointed their member of the committee in accordance with the resolution, and that the Republicans had neglected or refused to appoint a member of said committee.

Hammond moved that H. B. No. 285 be re-referred to Committee on Appropriations.

**INTRODUCTION OF BILLS.**

The following bills were to-day introduced, read first and second time and referred.

H. B. No. 292, by Maxwell: A bill for an Act entitled, "An Act to enable qualified voters to vote by mail.

Referred to Committee on Privileges and Election.

H. B. No. 293, by Smith: A bill for an Act entitled, "An Act to regulate and restrain the practice of midwifery in the State of Montana, and to provide for the violation of the same.

Referred to Committee on Sanitary Affairs.

H. B. No. 295, by Duncan: A bill for an Act entitled, "An Act to amend Section 6520 of the Revised Codes of Montana of 1907, relating to the service of summons by publication."

Referred to Judiciary Committee.

H. B. No. 296, by Norton: A bill to impose on contractors on State Buildings and State Works certain conditions as to labor and wages. An Act requiring hereafter all contractors on buildings, works owned by, or to be accepted by the State of Montana, to enter into an agreement to the effect that none but members of labor unions will be employed on such works or buildings and to the effect that all persons employed on such work or buildings be paid the scale wages fixed by labor unions in the place where the work or building is to be done and to the effect that such contracts will conform to the rules relating to wages, hours constituting a day and other rules for work fixed by labor unions in the place where the building or works is to be carried on."

Referred to Committee on Labor.

H. B. No. 297, by Pierson: A bill for an Act to amend Section 2065 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines.

Referred to Committee on Military Affairs.

H. B. No. 298, by Connelly: A bill for an Act entitled, "An Act to provide for a commission plan of City Government for cities of the First and Second Class, providing for the election of officers thereunder, defining their duties and powers and providing for their compensation."

Referred to Committee on Affairs of Cities.

H. B. No. 299, by Woody: A bill for an Act entitled, "An Act appropriating money for the furnishing of the Library Building of the State University at Missoula, Montana."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 300, by Committee on Railroads and Transportation: A bill for an Act entitled, "An Act authorizing the Board of Railroad Commissioners to ascertain the value of railroad property."

Referred to Committee on Railroads and Transportation.

H. B. No. 301, by Safley: A bill for an Act to amend Section 8794, of the Revised Codes of Montana of 1907, relating to the catching of fish for speculative purposes.

Referred to Committee on Fish and Game.

H. B. No. 302, by Wilham: A bill for an Act entitled, "An Act to define the powers and duties of County Surveyors, and to provide for their compensation.

Referred to Committee on Townships and Counties.

Committee on Railroads and Transportation have this day reported a substitute bill for H. B. No. 209; A bill for an Act entitled, "An Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains, and providing the method thereof."

Referred to Printing Committee.

Committee on State Board and Officers have this day reported a substitute for H. B. No. 214; A bill for an Act to amend Section 1497, Revised Codes of Montana of 1907, relating to expenses incurred by Counties, Cities and Towns in caring for persons afflicted with communicable diseases."

Referred to Printing Committee.

Committee on Sanitary Affairs have this day reported a substitute for H. B. No. 237: A bill for an Act entitled, "An Act to restrict the sale of the alkaloid, cocaine, or its salts, alpha or beta eucaine, or their salts, providing for penalty for the violation thereof, repealing Acts and parts of Acts in conflict herewith."

Referred to Printing Committee.

Committee on Railroads and Transportation at the request of Berkin, as a substitute for H. B. No. 182: An Act to regulate common carriers and to provide for certain appliances, rules and regulations

looking to the safety of the traveling public and employees upon railway trains and to confer upon the Railroad Commission of Montana, certain power in relation thereto.

• Referred to Printing Committee.

Substitute for H. B. No. 171, by Eliel: A bill for an Act entitled, "An Act to amend Sections 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest and fixing the time within which suit shall be commenced for the recovery of same."

Referred to Printing Committee.

Substitute for H. B. No. 111, by Pomeroy: A bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana of 1907, and prohibiting persons from practicing law or appearing as attorney in any court without a license as attorney and counselor and providing punishment for the violation of the same."

Referred to Printing Committee.

Substitute for H. B. No. 171, by Eliel: A bill for an Act entitled, "An Act to amend Sections 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest and fixing the time within which suit shall be commenced for the recovery of the same."

Referred to Printing Committee.

#### MESSAGES FROM THE SENATE.

February 10, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the Senate has this day read a third time and concurred in H. Bs. Nos. 40 and 42 as amended and are herewith transmitted for your concurrence in Senate amendments in above bills.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the senate has this day read a third time and passed Senate Bills Nos. 78, 70 and 87 and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 10, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: notice of the introduction of a bill was this day given as follows:

By Kessler: A bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340 and 7341 of the Revised Codes of Montana, relating to Eminent Domain."

Respectfully,

NATHAN GODFREY, Secretary.

February 10, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the Senate has this day read a third time and concurred in H. Bs. Nos.

31, 106, 74 and 104 and the same are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 10, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: the following bills were introduced, read first and second time and referred:

S. B. No. 102, by Rae: A bill for an Act entitled, "An Act to prohibit persons from bringing intoxicating liquors into houses of prostitution or causing the same to be done and providing punishment for the same.

Referred to Committee on Public Morals."

S. B. No. 103, by Edwards: A bill for an Act entitled, "An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, being Sections 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to Stenographers of the District Courts, their duties, qualifications and compensation.

Referred to Committee on Judiciary.

S. B. No. 104, by Romney: A bill for An Act entitled, "An Act to provide for party nominations by direct vote."

Referred to Committee on Privileges and Election.

S. B. No. 105, by Cowgill: A bill for An Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of Montana, relative to registration of births and deaths.

Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully ,

NATHAN GODFREY, Secretary.

### RESOLUTIONS.

The following Resolution was adopted:

RESOLVED, that hereafter all Senate and House Bills which carry appropriations be referred to the Committee on Appropriations, provided, that Bills carrying appropriations for special purposes may first be considered by any other Committee and thereafter be referred to the Committee on Appropriations.

ELIEL.

Moved by Gray, that the Committee's report on House Hill No. 226 be reconsidered. Motion carried and Bill ordered printed and placed on General Orders.

### READING OF SENATE BILLS.

The following Senate Bills were read today first and second time and referred.

S. B. No. 78, by Tooley: A bill for an Act entitled, "An Act to

amend Section 9611 of the Revised Codes of Montana of 1907, relating to Criminal Judgments in Justice and Police Courts."

In the House: Read first and second time and referred to Judiciary Committee.

S. B. No. 87, by Meyer: A bill for an Act entitled, "An Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases.

In the House: Read first and second time and referred to Committee on Sanitary Affairs.

S. B. No. 70, by Annin: A bill for an Act entitled "An Act to amend Section 904 of the Revised Codes of Montana, 1907, relating to the construction of teacher's contract with respect to legal holidays.

In the House: Read first and second time and referred to Committee on Education.

On motion, House recessed until 2. P. M.

#### AFTERNOON SESSION.

House met pursuant to recess at 2 P. M.

Mr. Speaker in the chair.

Roll call: Quorum present.

Mr. Speaker announced that he was about to sign H. B. No. 74 and thereupon signed it in the presence of the House.

#### REPORT OF SELECT COMMITTEES.

Mr. Speaker:

The committee appointed to ascertain how the work of the Publicity Bureaus of Canada, Seattle, Spokane and other progressive centers is accomplished, beg leave to report as follows:

FIRST. They have a concentrated center of Publicity, backed by a ready and eager co-operation of the government and the railroads.

SECOND. They never stop advertising themselves. There is hardly an important ticket office in the world that cannot supply information about them, their resources and their advantages.

THIRD. They have Auxiliary Bureaus in nearly every State in the Union and in countries abroad from which they distribute generously attractive bulletins, pamphlets and other specialties dealing with resources of their country.

FOURTH. One such Auxiliary located in the State of Montana took three thousand of the most desirable sort of Montana's settlers and sent them into provinces of Canada.

FIFTH. These campaigns of publicity are in charge of a qualified and expert head, with a salary commensurate with the importance of the duties of the department, and said department is made one of the business auxiliaries to several departments of State Service.

(Signed)

CHRISTLER.

NORTON.

WARD.

Committee.

Adopted.



## REPORTS OF STANDING COMMITTEES.

February 11, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election having had under consideration H. B. No. 256, introduced by "The Committee on Privileges and Elections," being an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana of 1907, relative to the division of cities and towns into wards by city or town concils," recommend that the same do pass.

McCOY, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

We, your Committee on Privileges and Election, having had under consideration H. B. No. 290, introduced by Harbert, being a bill for an Act entitled, "An Act requiring names of candidates for judicial and educational office to be placed in separate column on official election ballot," recommend that the same do not pass.

McCOY, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on State Lands having had under consideration House Joint Resolution No. 7, introduced by Norton, being a "Joint Resolution to opening of Flathead Indian Reservation", report same back to the House with the recommendation that it do pass.

CLUSTON, Chairman.

Adopted.

Mr. Speaker:

We, your Committee on Enrollment beg leave to report House Bill No. 74, as correctly enrolled.

WOODY, Chairman.

February 11, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 111, being a bill for an "Act prohibiting persons from representing themselves as members of any profession for which a license or certificate to practice the same is required by the laws of this State," having had said bill under consideration, beg leave to report substitute for H. B. No. 111 back to the House, being a bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, 1907, and prohibiting persons from practicing law, or appearing as attorney in any court without a license as attorney and counsellor, and providing punishment for the violation of the same," with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 121, being a bill for an Act entitled, "An Act to amend Section 6315 of the Revised Statutes of Montana of 1907, relating to the disqualifications of judges and juries," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs. Nos. 43, 63, 108, 113, 122, 140, 153, 156 and also House Joint Resolution No. 1, as properly engrossed.

WARREN, Chairman.

### THIRD READING OF BILLS.

House Joint Memorial No. 4, read the third time and passed by the following vote: Title agreed to.

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Mr. Speaker.—55.

Noes: Wood.—1.

Absent and not voting: Burke, Eliel, Gibson, Gray, Hammond, Hunter, Kilgallon, King, Largey, Metzel, McCoy, Owenhouse, Pomeroy, Wilham, Woody.—15.

Total 71.

Senate Bill No. 6 read third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Mitchell, Murray, Norton, O'Donnell, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Burke, Christler, Clayberg, Eliel, Frank, Gibson, Gray, Hunter, Kilgallon, Largey, Metzel, MacGinniss, McCoy, Owenhouse, Pierson, Shoemaker, Wilham, Woody.—18.

Total 71. Title concurred in.

S. B. No. 27, read third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Byrnes, Christler, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson,

Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Mitchell, Murray, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None:

Absent and not voting: Berkin, Burke, Clayberg, Eliel, Frank, Gray, Hunter, Kilgallon, Largey, Metzel, MacGinniss, McCoy, Owenhouse, Shoemaker, Woody.—15.

Total 71. Title concurred in.

### MOTIONS.

February 11, 1909.

Mr. Speaker:

I move that the House reconsider the vote on the report of the Committee of the Whole with Groff of Ravalli in the chair in which report was included S. B. 21, S. B. 43, Sub. H. B. 122, H. B. 140, H. B. 153, H. B. 156, Sub. H. B. 113, H. J. R. No. 1, H. B. No. 43, H. B. 44, H. B. 63, H. B. 160, H. B. 108.

EDGERTON.

Mr. Speaker ruled motion out of order. Edgerton appealed from decision of the chair.

Decision of chair sustained by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Cluston, Crouch, Crutchfield, Cummings T. A., Dowling, Duncan, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hammond, Hanifen, Hayes, Hunter, Kelsey, Kilgallon, Lehrkind, Lowney, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Safley, Thompson, Ward, Whaley, Werner, Wilham, Woody, Mr. Speaker.—44.

Noes: Burke, Butzerin, Coit, Cummings H. T., Derry, Edgerton, Eliel, Hall, Harbert, Hutchinson, Jacobson, King, Maxwell, Mitchell, Murray, Pomeroy, Roy, Shaw, Shoemaker, Smith, Swick, White, Witmer, Wood.—24.

Absent and not voting: Connelly, Largey, Warren.—3.

Total 71.

Mr. Speaker announced that he was about to sign S. B. No. 47, and thereupon signed it in the presence of the House.

On motion of Edgerton, House resolved itself into Committee of the Whole, for consideration of Special Order set for 3 P. M., H. B. 191.

Edgerton in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 191, A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of a Publicity Bureau for the State of Montana; to prescribe the selection, powers and duties of a Commissioner of Publicity; to provide for the acquisition and for the maintenance of the same."

nance of a hail of exhibits of the resources, progress and development of Montana, and to make an appropriation therefor," beg leave to report having had the same under consideration and recommend the same do pass.

Insert the words in the blank space in the most suitable place to be determined by the Board of Control at its first meeting.

On motion of Hutchinson H. B. No. 191 was considered engrossed and placed on third reading.

H. B. No. 191 read a third time and passed by the following vote:

Ayes: Allen, Arnett, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovannetti, Gray, Groff, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kilgallon, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—55.

Noes: Bogart, Brewster, Derry, Gibson, Hall, Hunter, Kelsey, Metzel, Pierson, Witmer, Wood.—11.

Absent and not voting: Duncan, King, Largey, McCoy, Warren.—5.  
Total 71.

On motion of Norton, House resolved itself into a Committee of the Whole for the consideration of the first five bills on general orders. Pierson in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 38, beg leave to report having had the same under consideration and recommend the same do pass with the following amendments: (S. B. No. 32: A bill for an Act entitled, "An Act to detach Teton County from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two judges in the said Eighth Judicial District, one of whom shall keep his chambers at Choteau, Teton County.")

Amend Section 4 by striking out the word "his" in line 12 and by inserting between the words Teton County and "in" in said line 12 the words "and also at Great Falls, the County Seat of Cascade County," and by striking out the word "except" in line 12 and all of line 13 and inserting in lieu thereof the words "it being expressly provided, however, that said Judge shall maintain chambers in each of said counties at least once in each calendar month of each year."

Also: S. B. No. 36, being a bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of corporations and exempting State Banks, Trust Companies and Building and Loan Associations from its requirements, beg leave to report having had the same under consideration and recommend the same do pass.

Also: S. B. No. 33: A bill for an Act entitled, "An Act to amend

Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors," beg leave to report having had the same under consideration and recommend the same do pass.

Also: H. B. No. 124, being a bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Loggers' Liens," beg leave to report having had the same under consideration and recommend the same do pass.

Also: H. B. No. 150, being a bill for an Act entitled, "An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing, to be designated as Section 4234, providing penalty for violation of Section 4233 of the Political Code," beg leave to report having had the same under consideration and recommend the same do pass.

Report adopted.

On motion of Norton, House adjourned until 10:30 to-morrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fortieth Day.

Helena, Montana, February 12th, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal approved as read.

### NOTICES OF INTRODUCTION OF BILLS.

By Norton: A bill for an Act entitled, "An Act relating to public schools, and providing for the exclusion therefrom of children of Mongolian, Chinese or Japanese Parentage or descent.

By Christler: A bill for an Act entitled, "An Act relating to a Threshers Lien Law."

By Christler: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the examination of applicants for certificates entitling them to practice medicine and surgery."

By Clayberg: A bill for an Act entitled, "An Act embodying and to make uniform the law of ware house receipts."

By Clayberk: A bill for an Act entitled, "An Act embodying the law of sales of goods and to make uniform the law relating thereto."

By Kilgallon: (Committee on Appropriations): A bill for an Act to pay employees of the Senate and House as provided in Section 209 Part 3, Chapter 2, Article 4, as provided for in Section 223, Part 3 Title 1, Chapter 2, Article 5, of the Political Code, State of Montana."

## REPORTS OF STANDING COMMITTEES

February 11, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred Senate Bill No. 66, being a bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County Commissioners", having had said bill under consideration, report same back to the House with the recommendation that it be concurred in.

OWENHOUSE, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration H. B. No. 21, introduced by Woody, being a bill for, "An Act to provide for the taxation of mortgages of real property," referred the same back to the House with the recommendation that it do pass.

MacGINNISS, Chairman.

On motion adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred H. B. No. 61, being a bill for an Act to abolish the Cary Land Act Board, and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Cary Land Act Board, and defining their duties, and the duties of the State Engineer in connection with said Board", having had said bill under consideration, respectfully report the same back to the House with the recommendation that it be printed and placed on General Orders.

OWENHOUSE, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred H. B. No. 274, being a bill for an Act to amend Section 4213, of the Revised Codes of Montana of 1907, relating to the fees of the Secretary of State for filing incorporation papers of co-operative associations, having had said bill under consideration, report same back to the House with the recommendation that it be referred to Committee on Ways and Means.

Respectfully,

OWENHOUSE, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs. Nos. 44 and 160 correctly engrossed.

WARREN, Chairman.



February 11, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration H. B. No. 216, being a bill for an Act entitled, "An Act to prohibit the mining, production or sale of coal for commercial purposes by railroad or transportation companies," respectfully report the same back to the House, and recommend that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report S. B. No. 32, as properly engrossed.

Respectfully submitted,

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. Bs. Nos. 31, 104 and 106 as correctly enrolled.

WOODY, Chairman.

February 12, 1909.

Mr. Speaker:

We, your Committee on Water Rights and Irrigation, having had under consideration Senate Substitute Bill for H. B. No. 67, introduced by Harbert, being "A bill for an Act entitled, An Act to amend Section 2332 of Part III, Title X, Chapter 1, of the Political Code, relating to the election of directors in Irrigation Districts", respectfully recommend that the same do pass.

WHALEY, Chairman.

Report adopted.

February 11, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges having had under consideration H. B. No. 276, introduced by Pierson, A bill for an Act entitled, "An Act to amend Section 1805 of the Revised Codes of Montana of 1907, relating to the inspection of horses before removal from the State", report the same back to the House with the recommendation that the bill do pass.

CROUCH, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration H. B. No. 158, introduced by Safley, being a bill for an Act to amend Sections 953, 958, 959, of the Revised Codes of Montana, relating to the examinations and qualifications of teachers and to the grade of teachers certificates and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College, and to repeal Section 964 of the Revised Codes of 1907", respectfully

recommend that the same do pass as amended.

HAMMOND, Chairman.

Amend Section 958 by striking out the word Physical Geography in line 15, page 2 and inserting in line 18, after the word American Literature the word Physical Geography.

February 12, 1909.

Mr. Speaker:

Your Committee on Townships and Counties, to which was referred H. B. No. 165, being an Act to amend Section 2841 of the Revised Codes of Montana of 1907, being Section One of an Act entitled, "An Act to create the county of Sanders, designate its boundaries and to provide for its organization and government", approved February 7, 1905, beg leave to report that after having had said bill under consideration recommend that the same be printed.

DUNCAN, Chairman.

Report adopted.

#### MOTIONS AND RESOLUTIONS.

House Concurrent Resolution No. 6, introduced by Byrnes.

To the Honorable Senate and House of Representatives; in Congress assembled:

WHEREAS, a bill was passed by Congress providing for the classification of the mineral lands in the Northern Pacific Land Grant, and

WHEREAS, a classification was pretended to be made by certain officials known as mineral land commissioners, and,

WHEREAS, investigation of the work of such mineral land commissioners by special field officials of the Interior Department discloses the fact that said former so-called mineral land classification was farcial, worthless and made in collusion with the Northern Pacific Railway Company, and solely in the interests of said railway company and to the detriment of the Government and the public, and,

WHEREAS, such investigation has shown such pretended classification to be utterly worthless and fraudulent, and devoid of merit and accuracy,

WHEREAS, as a result of an investigation by the Interior Department of less than fifty per cent of the complaints so far made, nearly twenty thousand acres of mineral land has been restored to the Government, and,

WHEREAS, a proper and just classification of the mineral lands of Montana is of vital interest to the miners and prospectors of the State and involves mineral lands of untold millions of value.

NOW, THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of Montana, the Senate concurring, that we humbly petition and request of the National Congress that it pass an Act providing for a just, honest and thorough mineral preclassification of all lands of the State of Montana within the Northern Pacific Land Grants.

On motion rules suspended and House Concurrent Resolution No. 6 passed by a viva voce vote.

Helena, Montana, February 12, 1909.

Pursuant to my notice of yesterday, I now move to amend House Rule XLII to read as follows:

Report of Committee of the Whole.

After business upon which the House resolved itself into Committee of the Whole shall be completed, the Committee, without motion (or at any time upon motion) shall rise and report. If more than one bill, petition, memorial or resolution was considered in the Committee of the Whole, the report of that Committee shall be upon each bill, petition, memorial or resolution separately.

EDGERTON.

Referred to Committee on Rules.

Mr. Speaker:

I move that a vote of thanks be tendered Rev. L. J. Christler for the beautiful carnations given this body.

HALL.

### INTRODUCTION OF BILLS.

The following bills were to-day introduced, read first and second time and referred:

H. B. No. 303, by Gray (by request): A bill for an Act to amend Sections 965, 966, 968, 969, 970 and 971 of the Revised Codes of Montana of 1907, relating to the compulsory education of children, and to repeal Section 967 of the Revised Codes of Montana of 1907, relating to the compulsory education of children.

Referred to Committee on Education.

H. B. No. 304, by Woody: A bill for an Act entitled, "An Act to amend Section 3116 of the Revised Codes of Montana of 1907, relating to the compensation and salary of county officers."

Referred to Judiciary Committee.

H. B. No. 305, by Wilham: A bill for an Act entitled, "An Act to prevent fraud by mining companies and others engaged in mining."

Referred to Committee on Mines and Mining.

H. B. No. 306, by Ward (by request): A bill for an Act entitled, "An Act to empower City and Town Councils to pay in installments for any improvements which are to be paid by special assessment against any property and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years."

Referred to Judiciary Committee.

H. B. No. 307, by Smith: A bill for an Act entitled, "An Act to amend Section 1772, Revised Codes, 1907, of the State of Montana, relating to the reporting of births.

Referred to Committee on Sanitary Affairs.

H. B. No. 308, by Smith. A bill for an Act entitled, "An Act to amend Section 1500 of the Revised Codes of 1907, of the State of Montana, relating to the definition of the term "communicable disease."

Referred to Committee on Sanitary Affairs.

H. B. No. 309, by Owenhouse: A bill for an Act to provide for the

permanent improvement of main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby for payment of a part of the cost thereof.

Referred to Committee on Highways.

H. B. No. 310, by Shoemaker: A bill for an Act entitled, "An Act relating to trusts, monopolies and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities and fixing the punishment for the infraction of the provisions thereof.

Referred to Committee on Labor.

H. B. No. 311, by Berkin: A bill for an Act to amend Section 3121 of the Revised Codes of Montana of 1907, relating to the compensation of Deputy Sheriffs in Counties of the First Class.

Referred to Judiciary Committee.

H. B. No. 312, by Pomeroy: A bill for an Act to create the County of Lincoln, designate its boundaries and provide for its organization and government.

Referred to Committee on Townships and Counties.

H. B. No. 313, by Hunter: A bill for an Act entitled, "An Act appropriating money to be credited to the bounty fund, for the purpose of paying bounty on wild animals."

Read first time by title, second time at length and referred to Appropriations Committee.

H. B. No. 314, by Committee on Appropriations: A bill for an Act entitled, "An Act making appropriations for the Executive and Judiciary Departments of the State Government for two years, namely, from February 28, 1909, to February 8, 1910; and from February 8, 1910, to February 28, 1911."

Read first time by title, second time at length and referred to Appropriations Committee.

House Concurrent Resolution No. 7, by Norton: Relating to Asiatic and particularly to Japanese immigration into the United States.

Referred to Committee on Labor.

H. B. No. 315, by Committee on Ways and Means: A bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana for the years 1909 and 1910."

Read first time by title, second time at length and referred to Committee on Ways and Means.

H. B. No. 316, by MacGinniss: A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana printed as Section 3849 of the Revised Codes of Montana, relating to the method of changing places of business and number of directors by corporations organized under the laws of Montana."

Read first time by title and second time at length and referred to Committee on Corporations other than Municipal.

#### READING OF SENATE BILLS.

That Senate Substitute for House Bill No. 67, introduced by Committee on Irrigation and Water Rights: A bill for an Act entitled, "An Act to amend Section 2332, of Part III, Title X, Chapter, 1 of the Po-

litical Code, relating to the election of directors in irrigation districts."

In the House, read first and second time and referred to Committee on Irrigation and Water Rights.

**MESSAGES FROM THE SENATE.**

February 12, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senators Metcalf and Conrow have been appointed to act with a like committee from the House to investigate the State Reform School at Miles City.

Respectfully,

NATHAN GODFREY, Secretary.

February 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. No. 106, by Kessler: A bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340 and 7341 of the Revised Codes of Montana, relating to Eminent Domain."

Referred to Judiciary Committee.

S. B. No. 107, by Edwards: A bill for an Act entitled, "An Act providing conditions under which foreign Mortgage and Loan Corporations or Joint Stock Companies may transact business in the State of Montana."

Referred to Judiciary Committee.

Respectfully,

NATHAN GODFREY, Secretary.

February 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the introduction of a bill was this day given as follows:

By Sykes: A bill for an Act requiring sheriffs and constables to notify the county treasurer and county assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien.

Respectfully,

NATHAN GODFREY, Secretary.

February 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 123 having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary

February 11, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Substitute for House Bill No. 67, having been read three sev-

eral times and passed is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

### THIRD READING OF HOUSE BILLS.

House Bill No. 140 was read a third time and passed by the following vote:

Ayes: Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Cummings, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Arnett, Crutchfield, Derry, Dowling, Frank, Hutchinson, Largey, Mitchell, MacGinniss, McCoy, Pomeroy.—12.

Total, 71.

Title agreed to.

House Bill No. 43 was read a third time and passed by the following vote:

Ayes: Arnett, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crouch, Crutchfield, Duncan, Elliott, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Kilgallon, King, Lehrkind, Lowney, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—33.

Noes: Brewster, Butzerin, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Edgerton, Eliel, Gibson, Hall, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Murray, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer, Wood.—25.

Absent and not voting: Allen, Bogart, Dowling, Gray, Largey, Maxwell, Mitchell, MacGinniss, Pomeroy, Safley, Shoemaker.—11.

Paired: Metzel, McCoy.—2. Total, 71.

Title agreed to.

House bill No. 63 was read a third time and passed by the following vote:

Ayes: Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Duncan, Elliott, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Kilgallon, King, Lehrkind, Lowney, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.

Noes: Bogart, Brewster, Butzerin, Cummings H. T., Cummings T. A., Derry, Edgerton, Eliel, Gibson, Hall, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Murray, Pomeroy, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer, Wood.—27.

Absent and not voting: Allen, Arnett, Connelly, Dowling, Gray, Largey, Mitchell, MacGinniss, Safley.—9.



Paired: Metzel, McCoy.—2. Total, 71.

Title agreed to.

House Bill No. 44 was read a third time and passed by the following vote:

Ayes: Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crouch, Crutchfield, Duncan, Elliott, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Kilgallon, King, Lehrkind, Lowney, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—33.

Noes: Arnett, Bogart, Burke, Cluston, Coit, Crutchfield, Cummings H. T., Cummings T. A., Edgerton, Eliel, Garber, Groff, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Mitchell, Murray, Pierson, Safley, Shaw, Shoemaker, Smith, Thompson, Whaley, Werner, Wilham, Witmer.—31.

Absent and not voting: Allen, Dowling, Gray, Largey, Mitchell, Safley.—6.

Paired: Metzel, McCoy.—2. Total, 71.

Title agreed to.

Substitute H. B. No. 122 was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, King, Lowney, Metzel, Murray, MacGinniss, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—51.

Noes: Edgerton, Garber, Kelsey, Lehrkind, Swick.—5.

Absent and not voting: Allen, Dowling, Duncan, Gibson, Hutchinson, Kilgallon, Largey, Maxwell, Mitchell, McCoy, Norton, Pomeroy, Safley, Thompson, Woody.—15. Total, 71.

Title agreed to.

Substitute H. B. No. 113 was read a third time and by unanimous consent was amended by Pierson as follows:

Amend Section 1, line 3, by inserting after the word "assembly" the words "hereafter elected," and as so amended Substitute H. B. No. 113 was passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Eliel, Frank, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—52.

Noes: Berkin, Crutchfield, Burke, Butzerin, Duncan, Edgerton, Elliott, Groff, Hutchinson, Lehrkind, Roy, Woody.—12.

Absent and not voting: Allen, Dowling, King, Largey, Mitchell, McCoy, Thompson.—7. Total, 71.

Title agreed to.

On motion of Pierson, the vote on Sub. H. B. 113 was reconsidered, and by unanimous consent Edgerton offered the following amendment, which was adopted: adding in line 9 after the word "after" the words "the first Monday in January, 1913."

Substitute H. B. No. 113 was then passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Derry, Duncan, Edgerton, Eliel, Frank, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker—58.

Noes: Burke, Byrnes, Elliott, Groff, Hutchinson, Lehrkind, Roy.—7.

Absent and not voting: Allen, Crutchfield, Dowling, Largey, Mitchell, McCoy.—6. Total, 71.

Title agreed to.

Mr. Speaker announced that he appointed Hanifen, Murray and Edgerton, as a committee to act in conjunction with a like committee from the Senate to investigate the Reform School.

Mr. Speaker appointed MacGinniss, Burke, Byrnes, Cummings of Chouteau and Brewster as a Steering Committee.

On motion of Norton, House recessed until 2 P. M. in Joint Session.

#### AFTERNOON SESSION.

House met pursuant to recess at 2 P. M.

Mr. Speaker in the chair.

The Sergeant at Arms announced that the Senators were at the Bar of the House.

Mr. Speaker ordered them in.

The President of the Senate called the Joint Assembly to order. The Secretary called the roll of the Senate. Quorum present.

Prayer by House Chaplain.

Senate Chaplain read Lincoln's address at Gettysburg.

The President of the Senate introduced Prof. Duniway, who delivered a very able address upon the life of Abraham Lincoln.

February 12, 1909.

Mr. President:

I move that the Joint Assembly of the House and Senate extend to Dr. Duniway a standing vote of thanks for having so kindly delivered such a pleasing and instructive address.

D. D. BOGART.

On motion the Joint Session adjourned and the Senate retired from the hall of the House.

House resumed.

Mr. Speaker in the chair.

Mr. Speaker announced that he was about to sign House Bills Nos. 31, 104 and 106, and thereupon signed them in the presence of the House.

Committee on Engrossment then reported as follows:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report S. B. No. 34 as properly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 124 and 150 correctly engrossed.

WARREN, Chairman.

On motion of Whaley, Senate Substitute for for H. B. No. 67 was made a Special Order for 3:40 P. M.

February 12, 1909.

Mr. Speaker:

I offer the following amendment to Rule 23, Section 2, on page 18: After the word "committee" add the words "except the Engrossment Committee."

SHOEMAKER.

Adopted.

Mr. Speaker:

I move that H. B. No. 314, being the general appropriation bill for the executive and other departments, be made a Special Order of Business for Tuesday afternoon, February 16, 1909, at 3 P. M.

EDGERTON.

Adopted.

On motion, House resolved itself into a Committee of the Whole for consideration of Special Order. Crouch in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Crouch, Chairman of Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Substitute for H. B. No. 67, being, A bill for an Act entitled, "An Act to amend Section 2332 of Part III, Title X, Chapter 1, of the Political Code, relating to the election of directors in Irrigation Districts."

Under the suspension of the Rules, Senate Sub. for H. B. No. 67, by unanimous consent was read a third time by title only and concurred in by the following vote

Ayes: Bogart, Brewster, Berkin, Burke, Byrnes, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Arnett, Butzerin, Christler, Clayberg, Cummings H. T., Derry, Dowling, Gibson, Hall, Hammond, Hayes, Largey, Mitchell, McCoy, O'Donnell, Pomeroy, Warren, Wilham.—19.

Total, 71.

Title concurred in.

The vote on Edgerton's motion to make H. B. No. 314 a special order for 3 o'clock P. M., Tuesday, February 16, 1909, was reconsidered and bill allowed to take its course.

#### REPORTS OF STANDING COMMITTEES.

February 12, 1909.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration H. B. No. 151, being an "Act to amend Section 2759 of the Revised Statutes of Montana, 1907, relating to the license of retail liquor dealers," report same back to the House with the recommendation that it be indefinitely postponed.

MacGINNISS, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 60, introduced by Romney, being a bill for an Act entitled, "An Act to amend Section 1025-1028 and 1029 of the Revised Codes of Montana of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercises," recommend that the same be concurred in.

HAMMOND, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 1, being a bill for "An Act to amend Subdivision 5 of Section 3701 of the Revised Codes of Montana, relating to taxation of mortgages," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be re-referred to the Committee on Ways and Means.

FRANK, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

We, Your Committee on Insurance, having had under consideration H. B. No. 66, introduced by Duncan, being a bill for an Act entitled, "An Act requiring all State, County and other Public Officers to furnish official bonds executed by some surety company authorized to do business in the State of Montana," recommend that the same be indefinitely postponed.

LEHRKIND, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 314, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act making appropriations for the Executive and Judicial

Departments of the State Government for two years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

#### MESSAGES FROM THE SENATE.

February 12, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was introduced, read first and second time and referred:

S. B. No. 108, by Sykes: A bill for an Act entitled, "An Act requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure or mortgage, writ or attachment, execution or lien."

Respectfully,

NATHAN GODFREY, Secretary.

February 12, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following named Senators were appointed members of the Steering Committee: Edwards, Albright, Muffley, Tooley, McCarthy.

Respectfully,

NATHAN GODFREY, Secretary.

February 12, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that we have this day read a third time and passed Senate Concurrent Resolution No. 1 and Senate Concurrent Resolution No. 2, and herewith transmit the same for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 12, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that having read three several times and concurred in Substitute House Bill for 2 and 102 is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 156 was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King.

Lehrkind, Lowney, Metzel, Murray, MacGinniss, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Butzerin, Christler, Clayberg, Derry, Dowling, Garber, Gibson, Largey, Maxwell, Mitchell, McCoy, Norton, O'Donnell, Pomeroy, Warren, Wilham.—18. Total, 71.

Title agreed to.

House Bill No. 108 by unanimous consent was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Byrnes, Clayberg, Coit, Crouch, Cummings T. A., Duncan, Frank, Gray, Hall, Hammond, Hanifen, Kilgallon, King, Lowney, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Shoemaker, Thompson, Ward, Whaley, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker.—34.

Noes: Burke, Cluston, Connelly, Crutchfield, Edgerton, Eliel, Elliott, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Lehrkind, Pierson, Roy, Safley, Shaw, Smith, Swick, White.—20.

Absent and not voting: Allen, Butzerin, Christler, Cummings H. T., Derry, Dowling, Garber, Gibson, Giovanetti, Groff, Harbert, Largey, Maxwell, Mitchell, McCoy, Pomeroy, Warren.—17. Total, 71.

Title agreed to.

House Joint Resolution No. 1 by unanimous consent was read a third time by title only and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Allen, Brewster, Butzerin, Connelly, Cummings H. T., Derry, Dowling, Garber, Gibson, Giovanetti, Groff, Largey, Maxwell, Mitchell, McCoy, Pomeroy, Warren, Wilham.—18. Total, 71.

Title agreed to.

House Bill No. 153 was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Allen, Bogart, Butzerin, Connelly, Cummings H. T., Derry, Dowling, Gibson, Giovanetti, Groff, Largey, Lehr-



kind, Maxwell, Mitchell, McCoy, Pomeroy, Safley, Warren.—18. Total, 71.

Title agreed to.

House Bill No. 160, by unanimous consent, was read a third time by title only and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crutchfield, Cummings T. A., Edgerton, Eliel, Frank, Gray, Hammond, Hayes, Harbert, Hutchinson, Kilgallon, King, Lowney, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Swick, Ward, Werner, White, Wilham, Witmer, Woody, Mr. Speaker.—38.

Noes: Brewster, Coit, Crouch, Duncan, Elliott, Garber, Hall, Hanifen, Hunter, Jacobson, Kelsey, Metzel, Pomeroy, Smith, Thompson, Whaley, Wood.—17.

Absent and not voting: Allen, Butzerin, Connelly, Cummings H. T., Derry, Dowling, Gibson, Giovanetti, Groff, Largey, Lehrkind, Maxwell, Mitchell, McCoy, Safley, Warren.—16. Total, 71.

Title agreed to.

Senate Bill No. 43, under suspension of the Rules, was read a third time by title only and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Allen, Butzerin, Connelly, Cummings H. T., Derry, Dowling, Gibson, Giovanetti, Largey, Lehrkind, Maxwell, Mitchell, McCoy, Safley, Warren, Woody.—16. Total, 71.

Title concurred in.

Senate Bill No. 46 under suspension of rules was read a third time and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Crouch, Crutchfield, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Garber, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Butzerin, Christler, Coit, Connelly, Cummings H. T., Derry, Dowling, Frank, Gibson, Giovanetti, Largey, Lehrkind, Maxwell, Mitchell, McCoy, Safley, Warren, Woody.—19. Total, 71.

Title concurred in.

On motion of Norton, that when the House adjourn it be until 2.30 P. M., Monday, February 15, 1909. Carried.

Senate Bill No. 36, under suspension of Rules, was read a third time by title only and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Cluston, Connelly, Crouch, Crutchfield, Cummings T. A., Edgerton, Eliel, Elliott, Gray, Groff, Hall, Hammond, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Murray, MacGinniss, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—46.

Noes: None.

Absent and not voting: Allen, Butzerin, Clayberg, Coit, Cummings H. T., Derry, Dowling, Duncan, Frank, Garber, Gibson, Giovanetti, Hanifen, Hayes, Largey, Lowney, Maxwell, Metzel, Mitchell, McCoy, Norton, O'Donnell, Safley, Warren, Woody.—25. Total, 71.

Title concurred in.

Senate Bill No. 33, under suspension of Rules, was read a third time by title only and concurred in by the following vote:

Ayes: Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Crutchfield, Cummings T. A., Edgerton, Eliel, Elliott, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Murray, MacGinniss, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Witmer, Wood, Mr. Speaker.—45.

Noes: None.

Absent and not voting: Allen, Brewster, Butzerin, Coit, Cummings H. T., Derry, Dowling, Duncan, Frank, Garber, Gibson, Giovanetti, Hutchinson, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, McCoy, O'Donnell, Safley, Warren, White, Wilham, Woody.—26. Total, 71.

Title concurred in.

Senate Bill No. 22, as amended, was read a third time by title only under suspension of rules and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Crutchfield, Cummings T. A., Edgerton, Eliel, Elliott, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, King, Murray, MacGinniss, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Wood, Mr. Speaker.—45.

Noes: None.

Absent and not voting: Allen, Berkin, Butzerin, Coit, Cummings H. T., Derry, Dowling, Duncan, Frank, Garber, Gibson, Giovanetti, Hutchinson, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, McCoy, O'Donnell, Safley, Warren, White, Woody.—26. Total, 71.

Title concurred in, as amended by the House.

On motion House adjourned until 2.30 Monday afternoon, February 15, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Forty-Third Day.

Helena, Montana, February 15, 1909.

House met pursuant to adjournment at 2.30 P. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call: Quorum present.

Journal of Forty-second day read and approved.

### COMMUNICATIONS.

February 15, 1909.

Mr. Speaker:

Will you please announce to the House of Representatives that there will be a Pullman attached to No. 3 Friday morning for the benefit of those desiring to go to Missoula to attend the exercise at the University of Montana and the Red Apple Banquet and that it will return on No. 4 Saturday.

Respectfully,

DERRY.

### NOTICES OF INTRODUCTION OF BILLS.

February 15, 1909.

By Cummings of Chouteau: A bill for an Act providing for the payment of expenses of State and County Officers and fixing penalties for violations of this Act.

By Connelly: A bill for an Act to provide for the filing with the Secretary of State of descriptions of insignia, badges, rosettes, pins, buttons and charms adopted or authorized by societies, lodges, orders and fraternal organizations incorporated under the laws of this State; to prohibit the wearing or use of the same by persons not members of such organizations, and providing penalties for the violation thereof.

By Hutchinson: A bill for an Act entitled, "An Act to regulate the issuance of licenses of retail liquor dealers in counties and in any city, town, village or camp therein."

By Burke: A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes."

By Kilgallon: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year ending January 28, 1909."

By Wood: A bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of Montana of 1907, relating to taxation."

### REPORTS OF STANDING COMMITTEES.

February 15, 1909.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration H. B. No. 275, introduced by Berkin, a bill for an Act to amend Section 1961 of the Revised Codes of Montana, 1907, authorizing and empowering the State Game and Fish Warden to create additional game and

fish districts and to appoint additional special deputy fish and game wardens, recommend that the same do pass.

BERKIN, Chairman.

Report adopted.

February 15, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration H. B. No. 300, being a bill for an Act entitled, "An Act authorizing the Board of Railroad Commissioners to ascertain the value of railroad property," respectfully report the same back to the House and recommend that it do pass.

PIERSON, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Ways and Means, to whom was referred H. B. 315, a bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1909 and 1910," beg to report recommending that the bill do pass.

MacGINNISS, Chairman.

Report adopted.

February 12, 1909.

Mr. Speaker:

We, your Committee on Water Ways and Navigation, having had under consideration House Joint Resolution No. 5, entitled, "A Joint Resolution on Water Ways," report the same back to the House with the recommendation that it do pass.

HARBERT, Chairman.

Report adopted.

February 15, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 222, 241, 243, 254, 259, House Joint Resolution 8, House Joint Memorial 9, House Bills 147, 174, 175, 186, Substitute for H. B. 55, House Substitute for Senate Bill 72, H. B. 60, 204, 197 and 100, correctly printed.

O'DONNELL, Chairman.

Report adopted.

February 15, 1909.

Mr. Speaker:

Your Committee on Federal Relations, having had under consideration Concurrent Resolution No. 2, introduced by Long, relating to the creation of Glacier Park, beg leave to report the same back to the House with the recommendation that it do pass.

LOWNEY, Chairman.

Report adopted

On motion the Resolution was made a Special Order at 4 P. M.

February 15, 1909.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration

H. B. No. 287, introduced by Berkin, beg leave to report that the same do pass with the following amendment: "Providing that nothing in this Act shall be construed so as to prevent a person owning land and having the same enclosed by a fence from using poisoned grain or other substance thereon for the purpose of killing gophers, prairie dogs and other squirrels where such poisoned substance is placed in gopher, prairie dog or squirrel holes at a depth of at least six inches below the surface."

BERKIN, Chairman.

Report adopted.

February 12, 1909.

To Committee on Employees of the House, Ward, Chairman

Dear Sir.—I request that your Committee furnish one stenographer for the purpose of keeping the Journal of the House written up from this date to the end of the session. It is absolutely necessary that this request be complied with. I herewith submit the name of Miss Gertha G. Kelly to your committee for consideration.

Respectfully,

CHAS. POND, Chief Clerk.

Request granted.

Moved that House Bill No. 147 be placed on General Orders. Motion lost.

Mr. Speaker:

I move that House Bill 147, a bill creating the county of Musselshell, be placed on General Orders.

BURKE, Chairman.

### INTRODUCTION OF BILLS.

H. B. No. 317, by Connelly, Pierson, Cluston, Christler and Gray: A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of the Legislative Assembly of Montana, and to fix the number of members thereof."

Referred to Committee on Apportionment and Representation.

H. B. No. 318, by A. H. Gray: A bill for an Act entitled, "An Act to provide for an appropriation of Three Thousand (\$3,000.00) Dollars, to be used in carrying on the work of the Experimental Sub-Station for Dry Farming in Cascade County, Montana."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. 319, by Harbert: A bill for an Act entitled, "An Act for the appropriation of money to pay the claim of a certain person for services rendered as Meat and Milk Inspector in Flathead County during the years 1906 and 1907."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 320, by Committee on Appropriations: A bill for an Act to pay employees of the Senate and House as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 123,



Part III, Title I, Chapter II, Article V, of the Political Code, State of Montana.

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 321, by Harbert: A bill for an Act entitled, "An Act to appropriate the sum of Five Hundred and Seventy Dollars, to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the County Clerk of Teton County, Montana, during the year 1908."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 322, by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year ending February 23, 1909."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 323, by Connelly: A bill for an Act to provide for the filing with the Secretary of State of descriptions of insignia, badges, rosettes, pins, buttons and charms, adopted or authorized by societies, lodges, orders and fraternal organizations, incorporated under the laws of this State, to prohibit the wearing or use of the same by persons not members of such organizations, and providing penalties for the violation thereof.

Referred to Committee on Education.

H. B. No. 324, by Norton: A bill for an Act entitled: "An Act relating to public schools and providing for the exclusion therefrom of children of Mongolian, Chinese, or Japanese parentage or descent."

Referred to Committee on Military Affairs.

H. B. No. 385, by Christler: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the examination of applicants for certificates entitling them to practice medicine and surgery."

Referred to Committee on State Boards and Officers.

H. B. No. 326, by Pierson: A bill for an Act entitled, "An Act to amend Sections 9617 and 9618 of the Revised Codes of Montana, relating to appeals from Justice and Police Courts in criminal actions, and providing for the transmission of records on appeal to District Courts, and repealing Sections 9619 and 9620 of the Revised Codes of Montana."

Referred to Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

Mr. Speaker:

I move that the Chief Clerk be directed to notify the Senate to return House Bills Nos. 108, 160, House Joint Resolution No. 1, Substitute House Bill No. 113, House Bill 44, Senate Substitute for House Bill No. 67, Senate Bills Nos. 43, 46, 36, 33 and 32, for the purpose of correcting endorsements as to their history in the House.

PIERSON.

Motion carried.



## MESSAGES FROM THE GOVERNOR.

February 15, 1909.

The Speaker of the House of Representatives, Helena, Montana:

I have the honor to advise you that the following House Bills have been approved and deposited with the Secretary of State:

H. B. No. 5.—An Act to amend Section 1413 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges.

H. B. No. 56.—An Act amending Section 8389, Part I, Title IX, Chapter I, Penal Code of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of rape.

H. B. 76.—An Act to provide for an examination by the Commissioner of Insurance of all insurance companies, including surety companies, organized under the laws of this State, or organized under the laws of any other State or Territory, or foreign country, and to provide for the payment of expenses incurred in making such examination, and to provide for publishing the result of such examinations, and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 5065, 4068, 4071, 4128 and 4129 of the Revised Codes of Montana of 1907.

H. B. 79.—An Act to amend Sections 4019 and 4023 of the Revised Codes of Montana of 1907, relating to licenses of insurance companies and agents.

H. B. 80.—An Act to provide that the State Auditor shall also be designated as Commissioner of Insurance, ex-officio, and to provide for the appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary, and to provide for the employment of an actuary.

H. B. 74.—An Act to declare the twelfth day of February in each year to be a legal holiday, to be known and designated as Lincoln's Birthday.

EDWIN L. NORRIS.

## THIRD READING OF HOUSE BILLS.

House Bill No. 124 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Byrnes, Christler, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Ward, Warren, Werner, Witmer, Wood, Mr. Speaker.—48.

Noes: None.

Absent and not voting: Bogart, Berkin, Butzerin, Clayberg, Coit, Crutchfield, Dowling, Duncan, Eliel, Gibson, Hayes, Hunter, Kilgallon, Metzel, MacGinnis, McCoy, Owenhouse, Shoemaker, Swick, Whaley, White, Wilham, Woody.—23. Total, 71.

Title agreed to.

House Bill No. 150 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Byrnes, Christler, Cluston, Connelly, Crouch, Cummings H. T., Derry, Dowling, Edgerton, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, Witmer, Mr. Speaker.—45.

Noes: Wood.—1.

Absent and not voting Bogart, Burke, Butzerin, Clayberg, Coit, Crutchfield, Cummings T. A., Duncan, Eliel, Frank, Gibson, Hayes, Hunter, Kilgallon, King, Metzel, MacGinniss, McCoy, Owenhouse, Safley, Shaw, Swick, White, Wilham, Woody.—25. Total, 71.

Title agreed to.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bill No. 123 as correctly enrolled.

WOODY, Chairman.

Mr. Speaker announced that he was about to sign H. B. 123 and thereupon signed it in the presence of the House.

On motion of Edgerton, House resolved itself into Committee of the Whole for the consideration of General Orders.

Hammond in the Chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Hammond, Chairman of the Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 34, being a bill for an Act prohibiting marriage between White Persons and Negroes, Persons of Negro Blood, and between White Persons, Chinese and Japanese, and making such marriage void; and prescribing punishment for solemnizing such marriages, beg leave to report having had the same under consideration and recommend same be returned to the Senate for correction of history of bill.

Also, S. B. No. 60, being: A bill for an Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana of 1907, relative to the designation of Pioneer Day, filing of essays, and course of exercises, beg leave to report having had the same under consideration and recommend said bill be re-referred to Committee on Education.

Also, S. B. No. 66, being: A bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County Commissioners," beg leave to report having had the same under consideration and recommend said bill be concurred in with the following amendment:

Substitute the word "codes" for the word "statutes" in line 1 of Section 1.

Also, Senate Concurrent Resolution No. 2, relating to the creation

of Glacier Park, beg leave to report having had the same under consideration and recommend the same be concurred in.

The hour of 4 o'clock having arrived, the House went into Committee of the Whole for the consideration of Special Order set at 4 P. M. Hammond in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Hammond, Chairman of Committee of the Whole, reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 145, being a bill for an Act entitled, "An Act for the protection of employees quitting their employment, or discharged employees, and providing penalties for the violation of this Act," beg leave to report having had the same under consideration and recommend that the enacting clause be stricken out:

Amend Majority Committee report by striking out the words "that the enacting clause be stricken out" and inserting in lieu thereof the words "recommend the passage of the bill as amended."

Report adopted on roll call.

Ayes: Allen, Butzerin, Christler, Cummings H. T., Derry, Dowling, Edgerton, Garber, Gray, Groff, Hall, Hanifen, King, Lowney, Maxwell, Norton, Roy, Shoemaker, Ward, Warren, Werner, Wilham, Witmer, Woody, Mr. Speaker.—26.

Noes: Arnett, Brewster, Berkin, Byrnes, Connelly, Cummings T. A., Elliott, Frank, Gibson, Giovanetti, Hammond, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Murray, MacGinniss, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Smith, Thompson, White, Wood.—29.

Absent and not voting: Bogart, Burke, Clayberg, Cluston, Coit, Crouch, Crutchfield, Duncan, Eliel, Hayes, Harbert, Metzel, Mitchell, McCoy, Swick, Whaley.—16. Total, 71.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 27 and 6, and Senate Sub. H. B. 67, and thereupon signed them in the presence of the House.

Mr. Speaker:

I move that H. B. 314, now in the hands of the Printing Committee, be re-referred to Committee on Appropriations.

KILGALLON, Chairman.

Carried.

On motion House adjourned until 10.00 A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Forty-Fourth Day.

Helena, Montana, February 16th, 1909.

House met pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll call: Absent, Bogart, Clayberg and Crutchfield. Quorum present.

Journal read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Giovanetti: A bill for an Act entitled, "An Act to repeal Sections 1903, 1906 and 1907 of the Revised Code of Montana.

By Arnett: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana to be composed of the County of Valley.

### REPORTS OF STANDING COMMITTEES.

Steering Committee reports following bills for General Orders for February 16

H. Bs. Nos. 37, 23, 77, 88, 110, and 127.

MacGINNISS, Chairman.

February 16, 1909.

Mr. Speaker:

We, your Engrossing Committee beg leave to report amendments to Senate Bill No. 66 as correctly engrossed as herewith attached.

WARREN, Chairman.

February 16, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration H. B. No. 73, introduced by Gray by request, a bill for an act entitled: "An Act to amend Section 3418 of the Revised Codes of Montana of 1907, extending the time for payment of installment for city improvements," report the same back to the House with the recommendation that it be indefinitely postponed.

BURKE, Chairman.

Adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities having had under consideration H. B. No. 255, introduced by Cluston, (by request): A bill for an Act entitled, "An Act to amend Sections 3386 and 3387 of Article X, of Chapter III, Title III, of Part IV, of the Revised Codes of Montana, relating to the Assessment of City Property for Street Improvements", respectfully report the same back to the House with the recommendation that it be indefinitely postponed.

BURKE, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 298, introduced by Connelly, a bill for an Act entitled, "An Act to provide for a Commission plan of city government for cities of the first class and second class, providing for the election of officers thereunder, defining their duties and powers, and providing for their compensation," report the same back to the House with the recommendation that it be printed and placed on General Orders.

BURKE, Chairman.

Adopted.

February 15, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 266, introduced by Norton (by request), a bill for an Act entitled, "An Act to amend Section 3240 of the Revised Codes of Montana of 1907, relating to the salaries of Mayor and Aldermen of cities and towns," report the same back to the House with the recommendation that it be indefinitely postponed.

BURKE, Chairman.

Motion that report be adopted. (Carried).

February 19, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 304, being a bill for an Act entitled, "An Act to amend Section 3116 of the Revised Codes of Montana, 1907, relating to the compensation and salary of county officers," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 50, being an Act to amend Section 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895 and repealing Section 6365 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of the District Court, their duties, qualifications and compensation, having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 283, being a bill for an Act entitled, "An Act to amend Section 4885, Revised Codes 1907, of the State of Montana, relating to the term of

the Water Commissioners," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be re-referred to the Committee on Irrigation and Water Rights.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 295, being a bill for an Act entitled, "An Act to amend Section 6520 of the Revised Codes of Montana of 1907, relating to the service of summons by publication," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 78, being a bill for an Act entitled, "An Act to amend Section 9611 of the Revised Codes of Montana of 1907, relating to criminal judgments in Justice and Police Courts," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be not concurred in.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 238, being, "An Act to amend Sections 2680 and 2682 of the Revised Codes relating to tax sales of real property", having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:

Amend Section 2, by inserting after the word "Auction", in line 1 on page 2 thereof, the words, "provided however, that no such sale shall be made or confirmed unless the price offered shall be sufficient to discharge all accrued taxes to date of sale, together with the interest and costs".

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 326, being a bill for an Act entitled, "An Act to amend Sections 9617 and 9618 of the Revised Codes of Montana, relating to appeals from Justice and Police Courts in criminal actions, and providing for the transmission of records on appeal to District Courts, and Repealing Sections 9619 and 9620 of the Revised Codes of Montana," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:



On page 2 of said bill in line 5 thereof, amend Section 9618 by striking out the word "certify" and inserting in lieu thereof the word "justify."

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 19, being a bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part III, Title II, of the Political Code of the State of Montana, relating to the duties of Canvassing Boards," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass after being amended as follows:

Amend Section 1 of said bill by inserting after the word "Board" in line 8 the words "under the direction of and in the presence of the District Court, or a Judge thereof."

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 236, being a bill for an Act entitled, "An Act to amend Section 3241 of the Revised Codes of Montana, relating to the salary of police judge," having had said bill under consideration, beg leave to report same back to the house with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 30, being a bill for an Act entitled, "An Act to provide for the procedure in cases of tie votes in State, County and City Elections," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

February 16, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 205, introduced by Thompson, a bill for an Act entitled, "An Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor," report a substitute therefor and recommend that it do pass.

CROUCH, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 146 and 235 correctly printed.

O'DONNELL, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, the majority members on your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 257, introduced by Thompson, a bill for an Act entitled, "An Act to regulate the public service of stallions and jacks in Montana," recommend the bill do pass with the following amendments:

Strike out in Section 7, Page 3, the lines 9, 10, 11, 12 and 13 of said Section, also the lines 1 and 2 of same section, page 4.

Strike out in Section 8, page 5, the lines 15 to 35 inclusive thereof.  
Signed.

HUNTER.

BREWSTER.

CUMMINGS, T. A.

THOMPSON.

ARNETT.

McCOY.

Moved report be adopted.

Moved as substitute that Minority report be adopted.

Substitute lost. Majority report adopted.

House Bill No. 257, Page 3, Section 7, Lines 9, 10, 11, 12 and 13.  
"Every person, firm or company, breeding stallions or jacks for sale for stud service in the State of Montana shall secure a certificate from said stallion registration board that said stallion or jack offered for sale is free from any or all disease or unsoundness, referred to in Section 3 of this Act. Registration of."

Page 4, Nine section, lines 1 and 2.

"said stallion or jack shall only be made in the event of sale or public service."

House Bill No. 257: Section 8, page 5, lines 15 to 35 exclusive.

The license certificate issued after proper examination for a stallion whose breeding is unknown shall be in the following form:

### STALLION REGISTRATION BOARD.

#### License Certificate for Scrub Stallion or Jack.

The pedigree of the stallion (name).....  
owned by ....., bred by .....  
described as follows ....., color .....  
breed ....., foaled in the year ....., has  
been examined by the stallion registration board of Montana and it is  
hereby certified that the said stallion or jack is not of pure breeding  
and is therefor, not eligible for registration in any stud book recognized  
by the Department of Agriculture, Washington, D. C.

The above named stallion or jack has been examined by the veterinary appointed by the stallion registration board, and is reported free from infectious, contagious, or transmissible disease or unsoundness,

(or is affect with.....) and is licensed to stand for public service in the State of Montana.

Signed.....  
Secretary of Stallion Registration  
Board of Montana.

February 16, 1909.

We, the Minority Members of your Committee on Livestock and Public Ranges, had under consideration H. B. No. 257, introduced by Thompson, a bill for an Act entitled, "An Act to regulate the public service of stallions and jacks in Montana," report the same back to the House with the recommendation that it do not pass.

Signed,

CROUCH.  
WHALEY.  
HANIFEN.  
ELLIOTT.  
METZEL.

Lost.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report Sub. House Bill for No. 2 and 102 as correctly enrolled.

WOODY, Chairman.

Mr. Speaker announced that he was about to sign substitute for H. B. No. 102 and 2 and thereupon signed them in the presence of the House.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were today introduced, read first and second time and referred.

H. B. No. 327, by Wood, by request: A bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of Montana, of 1907, relating to taxation."

Referred to Judiciary Committee.

H. B. No. 238, by Cummings of Chouteau: A bill for an Act providing for the payment of expenses of State and County Officers, and fixing penalties for violations of this Act.

Read first and second time and referred to Judiciary Committee.

H. B. No. 329, by Hutchinson: A bill for an Act entitled, "An Act to regulate the issuance of licenses of retail liquor dealers in counties and in any city, town, village, camp or township therein."

Referred to Judiciary Committee.

H. B. No. 330, by Shoemaker: A bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of one thousand dollars (\$1000.00) for reimbursement of moneys deposited as evidence of good faith in bidding upon contract.

Read first time by title, second time at length and referred to Appropriations Committee.

H. B. No. 331, by Christler: A bill for an Act entitled, "An Act to provide for the reformation of erring women and girls."

Referred to Committee on Sanitary Affairs.

H. B. No. 332, by Jacobson: A bill for an Act to repeal Section 220 of the Revised Codes, relative to entry, settlement and forfeiture of lands reclaimed by the State under the "Carey Land Act."

Referred to Committee on State Lands.

H. B. No. 333, by Clayberg (by request): A bill for an Act entitled, "An Act embodying and to make uniform the law of warehouse receipts."

Referred to Judiciary Committee.

H. B. No. 334, by Clayberg: A bill for an Act entitled, "An Act embodying the law of sales of goods and to make uniform the law relating thereto."

Referred to Judiciary Committee.

H. B. No. 335, by Clayberg: A bill for an Act entitled, "An Act regulating the labor of jailors in counties of the first, second and third classes, and amending Section 3119 of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs and the salary to be paid the latter."

Referred to Committee on Labor.

H. B. No. 336, by Clayberg: A bill for an Act entitled, "An Act to provide for the medical aid and assistance for injuries received by railroad trainmen or employees of railroads during the course of their employment, and providing for the payment therefor."

Referred to Committee on Railroads and Transportation.

H. B. No. 337, by Burke: A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes."

Sub. H. B. for No. 251, by Berkin: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same and providing a penalty for the violation of this Act.

Referred to Printing Committee.

Sub. for H. B. No. 205, by Thompson: A bill for an Act entitled, "An Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor.

Referred to Printing Committee.

### READING OF SENATE BILLS.

The following Senate bills were to-day read first and second time and referred:

S. B. No. 50, by Meyer: A bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana of 1907, relating to the powers and duties of the State Coal Mine Inspector.

In the House, referred to Committee on Mines and Mining.

S. B. No. 51, by Meyer: A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribing the rights and duties and fixing the compensation of such Board of Examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana."

In the House, referred to Committee on Mines and Mining.

S. B. No. 52, by Meyer: A bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office and providing for the salaries of such Boards."

In the House, referred to Committee on Mines and Mining.

S. B. No. 56, by Meyer: A bill for an Act entitled, "An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act."

In the House, referred to Committee on Insurance.

S. B. No. 61, by Rae: A bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana of 1907, in regard to the furnishing of intoxicating liquors to habitual drunkards, minors or Indians."

In the House, referred to Committee on Judiciary.

S. B. No. 75, by McCarthy: A bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with a Department of the Montana Agricultural College at Bozeman, Montana."

In the House, referred to Committee on State Lands.

S. B. No. 79, by Rompey: A bill for an Act entitled, "An Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever."

In the House, read first time by title, second time at length and referred to Committee on Ways and Means.

S. B. No. 86, by Muffy: A bill for an Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duty."

In the House, referred to Judiciary Committee.

S. B. No. 76, by McCarthy: A bill for an Act relating to the government, management, control and finance of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263 and 1264 of the Revised Codes of Montana.

In the House, referred to Committee on State Institutions.

S. B. No. 96, by Cockrell: A bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of John Sullivan, a prisoner in the State Prison."

In the House, read first time by title, second time at length and referred to Committee on Appropriations.

S. B. No. 88, by Selway: A bill for an Act entitled, "An Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to the exhibiting of hides, of slaughtered cattle, by prohibiting the

slaughter of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or in which he has received a permit so to do."

In the House, referred to Committee on Lands and Public Ranges.

S. B. No. 65, introduced by Long, by request: Being a bill for an Act entitled, "An Act to create the county of Lincoln, designating its boundaries and provide for its organization and government."

In the House, referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

February 15, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bills 51, 52 and 56 having been read three several times are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 15, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: having read three several times and passed Senate Bills Nos. 61, 75, 86, 88, 96, 76, 79 and 50 are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: H. B. No. 58 and House Joint Memorial No. 4 having been read three several times and concurred in are herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: we have corrected history on S. B. No. 34 and it is herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

#### MOTIONS.

Mr. Speaker:

I move a reconsideration of yesterday's vote on the report of the Committee of the Whole on H. B. No. 145.

NORTON.

Laid on the table.

On motion of Norton, House resolved itself into Committee of the Whole for the consideration of General Orders.

Connelly in the chair.



**HOUSE RESUMED.**

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 34, beg leave to report having had the same under consideration and recommend the same be concurred in as amended: (A bill for an Act prohibiting marriage between White Persons and Negroes, Persons of Negro blood, and between White Persons, Chinese and Japanese, and making such marriage void; and prescribing punishment for solemnizing such marriage.)

Amend Senate Bill No. 34 by adding as lines 8, 9 and 10 thereto the following:

"Section 4. Every such marriage mentioned in either of the foregoing sections which may hereafter be contracted or solemnized without the State of Montana shall be utterly null and void within the State of Montana," and renumbering the following sections; five, six and seven.

Report adopted by the following roll call:

Ayes: Brewster, Berkin, Byrnes, Crouch, Cummings T. A., Duncan, Elliott, Garber, Giovanetti, Groff, Hanifen, Hutchinson, Lehrkind, Lowney, Maxwell, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Roy, Smith, Thompson, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—29.

Noes: Allen, Burke, Butzerin, Christler, Cluston, Connelly, Cummings H. T., Derry, Edgerton, Eliel, Gray, Hammond, Harbert, Hunter, Jacobson, Kilgallon, Pomeroy, Safley, Shaw, Shoemaker, Swick, Werner, White, Witmer, Wood.—25.

Absent and not voting: Arnett, Bogart, Clayberg, Coit, Crutchfield, Dowling, Frank, Gibson, Hall, Hayes, Kelsey, King, Largey, Metzel, Mitchell, Murray, Owenhouse.—17.

Total 71. Title agreed to.

Recess until 2:30 P. M.

**AFTERNOON SESSION.**

House met pursuant to adjournment at 2:30 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

**REPORTS OF STANDING COMMITTEES.**

February 16, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 322, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year ending February 28, 1909," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 16, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 184 introduced by Wilham, a bill for an Act entitled, "An Act appropriating money to pay for the maintenance expenses of the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana, for the months of January and February, 1909, and to pay the December, 1908, pay roll, and to settle for certain emergency repairs and improvements owing to the defective sanitary conditions of buildings," having had same under consideration recommend that it do not pass.

KILGALLON, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 21, 83, Sub. for 111, Sub. for 171, 173, Sub for 209, 211, 214, 228, 231, Sub. for 237, 245, 253, 256, 280, 45 and 281 correctly printed.

O'DONNELL, Chairman.

February 16, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 320, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana," having had same under consideration recommend it do pass.

KILGALLON, Chairman.

Adopted.

February 12, 1909.

Mr. Speaker:

Your Committee on Fish and Game, to which was referred H. B. No. 251, being a bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Codes of Montana of 1907, relating to hunting and fishing licenses and issuing on account of the same," beg leave to report that after having the same under consideration recommend as a substitute therefor, a bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same, and providing a penalty for the violation of this Act, and recommend that such substitute bill do pass.

BERKIN, Chairman.

Adopted.

On motion House reverted to introduction of bills:

By Hammond: A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 11 of Article IX of the Constitution relating to the qualifications of officers and authorizing the legislative assembly to prescribe the

qualifications for the offices of County Superintendent of Schools and Superintendent of Public Instruction.

By Clayberg: A bill for an Act entitled, "An Act to regulate the ownership or possession of lands by aliens."

Mr. Speaker announced that he was about to sign S. B. No. 46 and thereupon signed it in the presence of the House.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders.

Berkin in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 37, being a bill for an Act entitled, "An Act to require paddle wheels or screens to be placed in ditches, canals, or other artificial means used to divert water," beg leave to report having had same under consideration and recommend that the enacting clause be stricken out.

Also H. B. No. 23, being a bill for an Act to amend Section 6364, Revised Codes of Montana of 1907, relating to the empanelling of grand juries, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 77 being a Bill for an Act entitled, "An Act providing for the corporal punishment of wife beaters and vagrants," beg leave to report having had the same under consideration and recommend the same do pass with following amendments:

Amend Section 1 by striking out in line 1 the words "person being the husband of woman" and inserting in lieu thereof the word "man" and by striking out in line 2 the words "his wife" and inserting in lieu thereof the words "Any woman".

Amend Section 1 by striking out in line 5 the word "exceeding" and inserting in lieu thereof the words "less than".

Also H. B. No. 88, being a bill for an Act, making it the duty of the Sheriff of each county to visit in January and July of each year, every place within his county, required by law to have a liquor license to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commissioners and to State Examiner, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 110, a bill for an Act to amend Section 2746, Revised Codes of Montana 1907, relating to licenses, beg leave to report having had the same under consideration and recommend the same do pass; with the following amendments:

Amend Section 1 by striking out in lines 8 and 9, the words "Clerk and Recorder" and inserting in lieu thereof the words "County Clerk".

Report adopted.

House reverted back to reports of standing committees:

February 16, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 163, introduced by Owenhouse, being a bill for an Act to amend Section 549, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and Life Certificates respectively recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Education having had under consideration Senate Bill No. 60 introduced by Romney, being a bill for an Act to amend Section 1025, 1028, 1029 of the Revised Codes of Montana of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercise and which was re-referred to said committee by the Committee of the Whole, respectfully recommend that line 1 of Section 1 be amended by inserting after 1029 the words "of the Revised Codes of Montana", and recommend that the bill be printed as amended.

HAMMOND, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Education having had under consideration House Bill No. 303, introduced by Gray by request, being a bill for an Act to amend Sections 965, 966, 968, 969, 970 and 971 of the Revised Codes of Montana of 1907, relating to the compulsory education of children and to repeal Section 967 of the Revised Codes of Montana of 1907, relating to the compulsory education of children, respectfully recommend that the same be indefinitely postponed.

HAMMOND, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Education having had under consideration House Bill No. 210 introduced by Norton, being a bill for an Act entitled, "An Act concerning tree planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana of 1907, respectfully recommend in lieu thereof Substitute House Bill No. 210 introduced by Norton, being a bill for an Act entitled "An Act concerning Tree Planting and Arbor Day and to amend Section 1022 of the Revised Codes of Montana of 1907 and respectfully recommend that the substitute bill be printed.

HAMMOND, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Education having had under consideration Senate Bill No. 70 introduced by Annin, being a Bill for an Act entitled,

"An Act to amend Section 904 of the Revised Codes of Montana of 1907 relating to construction of teachers' contracts with respect to legal holidays" respectfully recommend that the House concur in said Bill.

HAMMOND, Chairman.

Report adopted.

#### MESSAGES FROM THE GOVERNOR.

February 16, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that the following House Bills have been approved and deposited with the Secretary of State.

No. 104, an Act appropriating money for the payment of certain Notary Public Fees erroneously collected.

No. 106, an Act appropriating money for the payment of deficiency claims account requisitions.

EDWIN L. NORRIS, Governor.

#### MESSAGES FROM THE SENATE.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that: Senate Bill No. 65 having been read three times and passed is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

#### THIRD READING OF SENATE BILLS.

Senate Concurrent Resolution No. 2 was read a third time and passed by the following vote:

Ayes: Allen, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Harbert, Hutchinson, Jacobson, Kelsey, King, Largey, Lowney, Maxwell, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—49.

Noes: None.

Absent and not voting: Arnett, Bogart, Burke, Christler, Coit, Crutchfield, Dowling, Edgerton, Eliel, Frank, Gibson, Hanifen, Hayes, Hunter, Kilgallon, Lehrkind, Metzel, Mitchell, Murray, Owenhouse, Wilham, Woody.—22. Total 71.

Title agreed to.

House adjourned until 10:00 o'clock to-morrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Forty-Fifth Day.

Helena, Montana, February 17, 1909.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll Call. Quorum present.

Journal read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Burke: A bill for an Act entitled, "An Act to regulate the Condition and Installation of Public and Private Crossings over Railroad Tracks, and conferring power upon the Railroad Commission to make orders concerning the same.

### REPORTS OF STANDING COMMITTEES.

February 17, 1909.

Report of Steering Committee. General Orders.

Senate Bill 70, Con. Res. No. 2, House Bill No. 234, 133, Sub. 136, 143, 148, 161, 166, Sub. 172, 190, 198, 200, 203.

MacGINNISS, Chairman.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 27, introduced by Frank, a bill for an Act entitled, "An Act for the payment of the traveling expenses of the Governor, Attorney General, Secretary of State, and State Auditor when traveling on official business," having had same under consideration, recommend that it do pass with the following amendment: By adding to Section 2 the following:

Which amount shall be paid out of the moneys regularly appropriated for the payment of office and traveling expenses of such officers.

KILGALLON, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 289, respectfully report the same back to the House with the recommendation that it do pass.

BYRNES, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 305, beg leave to report the same back to the House and recommend that action thereon be indefinitely postponed.

BYRNES, Chairman.

Report adopted.

February 17, 1909.

Your Committee on Mines and Mining, to whom was referred House Bill No. 169, respectfully report the same back to the House



with a recommendation that it do not pass.

BYRNES, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 168, respectfully report the same back to the House with a recommendation that it do not pass.

BYRNES, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bill No. 58 and House Joint Memorial No. 4, as correctly enrolled.

WOODY, Chairman.

February 17, 1909.

Mr. Speaker:

Your Committee on Apportionment and Representation, having had under consideration House Bill No. 317, being a bill for an Act entitled, "An Act to provide for the apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof," respectfully report the same back to the House with the recommendation that it do pass.

GARBER, Chairman.

Report adopted.

## INTRODUCTION AND READING OF HOUSE BILLS.

The following House bills were introduced, read first and second time and referred:

H. B. No. 345, by Giovanetti: A bill for an Act entitled, "An Act to repeal Sections 1905, 1906 and 1907 of the Revised Political Code of Montana and enacting in lieu thereof Sections to be numbered 1905, 1906, 1907a, 1907b, 1907c, 1907d, 1907e, 1907f, 1907g, providing for the appointment of a State Bounty Inspector; prescribing his duties and compensation, and to amend Sections 1904, 1911 and 1912 of the Revised Political Code of the State of Montana."

Read first time by title, second time at length and referred to Apportionment Committee.

H. B. No. 344, by Crouch: A bill for an Act prescribing the maximum fees to be charged by physicians, defining the word Physician, and providing for the violations thereof.

Read first and second time and referred to Committee on Sanitary Affairs.

H. B. No. 343, by Committee on Appropriations: A bill for an Act to appropriate money for the payment of deficiency claims of the State Prison during the year ending February 28, 1909.

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 342, by Shoemaker: Being a bill for an Act entitled "An Act to prohibit the establishment or maintenance of saloons or places where malt, vinous, or spirituous liquors are sold at retail, within two thousand feet of any State Educational Institution, and prohibiting the issual of permits or licenses therefor, and fixing a punishment for the violation of this Act."

Read first and second time and referred to Committee on State Institutions.

H. B. No. 341, by Arnett (by request): A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties and compensation and term of office of the Judge of said Judicial District."

Read first and second time and referred to Judiciary Committee.

H. B. No. 340, by Clayberg: A bill for an Act entitled, "An Act to regulate the ownership or possession of lands by aliens."

Read first and second time and referred to Committee on Conservation of Resources.

H. B. No. 339, by Clayberg (by request): A bill for an Act entitled, "An Act to amend Section 6796 of the Revised Code of the State of Montana, relating to new trials."

Read first and second time and referred to Judiciary Committee.

H. B. No. 338, by Committee on Education: A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 11 of Article IX of the Constitution relating to the qualifications of officers, and authorizing the Legislative Assembly to prescribe the qualifications for the offices of County Superintendent of Schools and Superintendent of Public Instruction.

Read first and second time and referred to Committee on Privileges and Elections.

### MESSAGES FROM THE SENATE.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that:

The following bills were introduced, read first and second time and referred:

By Romney, S. B. 113: A bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing for his qualifications and duties, fixing the penalties for violation of this Act, and fixing his compensation, and relating to the protection of the industry of Horticulture; and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1825, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947 of the Revised Codes of Montana."

Referred to Committee on Horticulture.

By Donlan, S. B. No. 114: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State

Veterinary Surgeon in Gallatin County, Montana.

Referred to Committee on Finance and Claims.

Respectfully,

NATHAN GODFREY, Secretary.

February 17, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that: Notice of the introduction of a Bill was this day given as follows:

By Truscott: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley; to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties and compensation, and term of office of the Judge of said Judicial District."

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker announced that he was about to sign H. J. M. No. 4, and H. B. No. 58, and thereupon signed them in the presence of the House.

On motion, House resolved itself into Committee of the Whole, for the consideration of General Orders.

Kilgallon in the Chair.

House resumed.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 70, beg leave to report having had the same under consideration and recommend the same to be concurred in with the following amendments:

Mr. Chairman:

I move to amend Section 1, Line 7, by inserting "Twelfth Day of February after the word, September. Safely. Adopted.

Mr. Chairman:

I move to amend Section 1, by inserting in Line 6, the words, "Twelfth day of October."

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Concurrent Resolution No. 2, relating to applications by the institutions of higher education of the State of Montana for admission to the benefits of the retiring allowance system of the Carnegie Foundation for the Advancement of Teaching," beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 234, a bill for an Act entitled, "An Act to appropriate money to pay the per diem and mileage of witnesses called by the

Joint Committee to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony and serving subpoenas in said investigation," beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 133, a bill for an Act entitled, "An Act relating to the proof of Corporate Existence and providing for the manner of providing the Corporate Character of any Corporation, Domestic or Foreign," beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred Sub. H. B. No. 136, a bill for an Act entitled, "An Act providing for temporary floors and safe scaffolding in buildings during the erection thereof, and for the protection of the persons working therein," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments.

Amend Section 4 by adding after the word "protected" in line 30 the following: "Provided, further, that wherever such building or buildings over three stories high are being erected in any city or town, other than a residence, temporary toilets in or convenient to such buildings shall be maintained for the convenience of employees."

Amend Section 5 in Line 33, after the word "Offense" by adding the following:

It is hereby made the duty of the Building Inspector, his deputy or other authorities in any county, city, town or village in the State, through the County Attorney or any other Attorney, in case of failure of such owner, person or corporation to comply with the provisions of this Act promptly, to take the necessary steps to enforce the provisions of this Act."

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 143, a bill for an Act entitled, "An Act to amend Section 2887 of the Revised Statutes of Montana of 1907 relating to the meetings and proceedings of the Boards of County Commissioners, and the Publication thereof," beg leave to report having had the same under consideration and recommend the same be passed: with the following amendments:

Amend Section One by striking out in line 1 the word "Statutes" and inserting in lieu thereof the word "Codes".

Amend Section 1 by adding in line 4 after the word "accounts" the words "fully itemized."

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred

House Bill No. 148, a bill for an Act Concerning the Duration and Renewal of Life Insurance Corporations and the Number of Directors thereof," beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 161, a bill for an Act to Provide for the Erection of Dock and Wharves on the Navigable Waters within the State of Montana, and to provide for their Management and Control." beg leave to report having had the same under consideration and recommend the same do pass as amended by Committee on Waterways and Navigation.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 166, a bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds," beg leave to report having had the same under consideration and recommend the same do pass as amended by Judiciary Committee.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred Substitute for H. B. No. 172, a bill for an Act entitled, "An Act relating to certain Deputy and Assistant County Officers in counties of the first class," beg leave to report having had same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 190, a bill for an Act entitled, "An Act to amend Section 1346 of the Revised Codes of Montana, 1907, relating to Taxes for Road Purposes", beg leave to report having had same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 198, a bill for an Act to amend Section 1770, of the Revised Codes of Montana of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death; beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 200, a bill for an Act to provide for the gathering and sale of horses, mules and asses, the ownership of which is uncertain or

unknown, beg leave to report having had the same under consideration and recommend the same do pass.

KILGALLON, Chairman.

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 203, a bill for an Act entitled, "An Act to Amend Sections 3318, 3321 and 3324 of the Revised Statutes of Montana, 1907, relating to the formation of a Board of Park Commissioners for cities of the first class," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 1 by striking out in line 1 the word "statutes" and inserting in lieu thereof the word "Codes."

Amend Section 2 by striking out in line 39 the word "statutes" and inserting in lieu thereof the word "codes."

Amend Section 2 by striking out in line 41 the words "meetings, general regulations."

Amend Section 3 by striking out in line 60 the word "statutes" and inserting in lieu thereof the word "codes."

Amend Section 3 by striking out in line 62 the words "Appointment of Board."

Amend Section 1 by striking out in line 1 the words "Park Commissioners, Terms, Qualifications, Clerk."

KILGALLON, Chairman.

On motion, report of Committee of the Whole was adopted.

On motion of Hammond, the House reverted to reports of Standing Committees, and the following Standing Committees reported:

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration H. B. No. 308, introduced by Smith, being a bill for an Act entitled, "An Act to amend Section 1500 of the Revised Codes of Montana of 1907, relating to the definition of Communicable Diseases, respectfully recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration Senate Bill No. 87, by Meyer, being a bill for an Act entitled, "An Act to provide for teaching in the public schools, the mode by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases, respectfully recommend that the same be concurred in.

HAMMOND, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Sanitary Affairs having had under consideration H. B. No. 294, introduced by Smith, being a bill for an Act requiring persons who treat communicable diseases to report to the health officer, respectfully recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.



Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration H. B. No. 293, introduced by Smith, being a bill for an Act entitled, "An Act to regulate and restrain the practice of midwifery in the State of Montana and to provide a penalty for the violation of the same, respectfully recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

On motion, House reverted to Order of Business.

#### NOTICES OF INTRODUCTION OF BILLS.

February 17. 1909.

Mr. Speaker:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest or speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which Act was approved on February 16, 1909, and prohibiting the making or recording or registering of any bet or wager upon the result of any contest or speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."

BERKIN, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

I hereby give notice that I will on to-morrow, or some subsequent date, introduce (by request) a bill for an Act entitled, "An Act to create a State Accident Insurance and Total Permanent Disability Fund for employees in and around metaliferous mines, mills and smelters in the State of Montana and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act."

SMITH.

February 17, 1909.

Mr. Speaker:

I hereby give notice that I will on to-morrow or some subsequent day, introduce a bill for an Act entitled, "An Act for the Protection of Employees discharged from their employment and providing a penalty for the violation of this Act."

JOSEPH S. ROY.

House recessed until 2 P. M.

**AFTERNOON SESSION.**

House met pursuant to recess at 2 P. M.

Mr. Speaker in the chair.

Roll Call. Quorum present.

**NOTICES.**

By Mitchell: A bill for an Act entitled, "An Act empowering the Secretary of State to grant automobile licenses."

By Berkin: A bill for an Act to amend Section 5 of Chapter 57, of the laws of 1905, relating to the issuance of game licenses by justices of the peace.

By Allen: A bill for an Act concerning minors playing on billiard and pool tables.

**THIRD READING OF SENATE BILLS.**

S. B. No. 34 was read a third time and non-concurred in by the following vote:

Ayes: Allen, Byrnes, Crouch, Cummings T. A., Duncan, Elliott, Groff, Garber, Hayes, Hutchinson, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Smith, Ward, Warren, Whaley, Wilham.—24.

Noes: Arnett, Bogart, Brewster, Berkin, Butzerin, Coit, Connelly, Cummings H. T., Eliel, Frank, Gibson, Giovanetti, Gray, Hall, Hammond, Hunter, Jacobson, Kelsey, Kilgallon, King, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Werner, White, Witmer, Wood, Mr. Speaker.—32.

Absent and not voting: Burke, Christler, Clayberg, Cluston, Crutchfield, Derry, Dowling, Edgerton, Hanifen, Harbert, Largey, Mitchell, Murray, O'Donnell, Woody.—15.

Total 71.

S. B. No. 66 read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Cummings H. T., Cummings T. A., Duncan, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hayes, Hunter, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Owenhouse, Pierson, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Mr. Speaker.—44.

Noes: Hutchinson, O'Donnell.—2.

Absent and not voting: Brewster, Christler, Cluston, Connelly, Crouch, Crutchfield, Derry, Dowling, Edgerton, Eliel, Frank, Gibson, Gray, Hanifen, Harbert, Largey, Murray, MacGinniss, McCoy, Norton, Pomeroy, Shaw, Whaley, Wood, Woody.—25. Total 71. Title concurred in.

On motion House reverted to Order of Business, No. 3.

**REPORTS OF STANDING COMMITTEES.**

February 17, 1909.

Report of Steering Committee:

S. B. 87, H. Bs. 91, 94, 96, 215, 218, 220, 222, 47, 97, 201, 21, 89.

MacGINNISS, Chairman.

February 17, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report the following House Bills correctly printed: Nos. 315, 300, 287, 263, 250, 233, 202, Sub. 182, 61 and House Joint Resolution No. 7.

O'DONNELL, Chairman.

Mr. Speaker:

Your Committee on State Institutions, Buildings and Grounds, having had under consideration S. B. No. 30, respectfully report the same back, with the recommendation that the same be concurred in with the following amendments:

Strike out the word "four" where the same occurs in the second line of the first subdivision of Section 1 of said bill, and insert in lieu thereof the word "five";

Amend Section 11 by striking out after the phrase "safe condition" where the same appears in line 6 of said Section 11 the following, to-wit: "and the Board is authorized to offer prizes for the first, second, third and fourth designs, plans and specifications submitted in such sums as the Board may deem proper."

Also to further amend Section 11 by striking out after the phrase "accordance therewith", where the same occurs in line 14, the following, to wit: "in fixing the amount of the first prize, the said Board shall take into consideration the extra work to be performed in furnishing said full-sized drawings and working plans by the architect whose plans are accepted, and said architect may be employed by said Board to superintend the construction of said wings, under such terms as the Board and said architect may agree upon, or"

Also further amend said Section 11 by striking out the word "adopt" where the same occurs after the phrase "the Board may" and before the phrase "any skilled" in line 3 from the bottom of said section, and insert in lieu thereof the words, "employ, with the consent of the designing architect";

Amend Section 12, of said bill, by striking out the word "chosen" where the same occurs after the word "architect" in the first line of said Section 12, and inserting in lieu thereof the clause "whose plan is selected";

Also to further amend said Section 12 by striking out the word "architects" where the same occurs in the 2nd line of said section from the bottom thereof;

Also to further amend said Section 12, by striking out the word "citizens" where the same occurs in the second line of said section from the bottom thereof and inserting in lieu thereof the word "residents";

Further amend said bill by striking out Section 14, as the same now appears therein and inserting in lieu thereof the following:

"Section 14. The Board shall procure all material used in the construction of said building from the products of the State of Montana, provided that the same is produced in the State of Montana and can be procured as cheaply therein as material of like kind and quality

can be procured elsewhere, and, provided, further, that the total cost of the erection and furnishing of said wings, including steam heating apparatus and other fixtures shall not exceed the sum of five hundred thousand dollars and the Board shall at all times have this object in view, and all plans accepted and all contracts awarded, shall be accepted and awarded only after the Board shall be satisfied that the cost of the wings when they shall be completed and furnished, shall not exceed said sum."

SHOEMAKER, Chairman.

February 17, 1909.

Mr. Speaker:

Your Committee on Rules, Joint Rules and Order of Business, beg to submit the following rules, with the recommendation that the same be adopted, in lieu of the rules heretofore in use.

Respectfully submitted,

BURKE, Chairman.

## RULES OF THE HOUSE.

### ELEVENTH LEGISLATIVE ASSEMBLY.

#### Rule 1. Attendance and Decorum.

1. Every member shall be present in the hall of the House during the sittings, unless necessarily prevented or excused. He shall vote on each question put unless he has a direct personal or pecuniary interest in the event of such question except as provided in Rule XIX. Loud talk or smoking shall be discontinued on request of the Speaker.

2. The hour for the meeting of the House shall be ten o'clock A. M. unless by the House otherwise directed.

#### Rule II. Duties of the Speaker.

1. The Speaker shall take the chair on every Legislative Day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and after prayer by the chaplain and on the appearance of a quorum, call the proceedings of the last days sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages.

4. He shall sign all Acts, addresses and resolutions in the presence of the House, and all writs, warrants and subpoenas of, or issued by order of the House and shall decide all questions of order subject to an appeal by any member, when such appeal is supported by two other members, upon which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to-wit: "As many as are in favor (as the question may be) say Aye;" and after the affirmative voice is expressed,

"As many as are opposed say No." If he doubts or a division is called for the House shall divide; those in the affirmative of the question shall first rise from their seats and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the members in the affirmative and negative, which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary Legislative proceedings, except when his vote would be decisive, or in a yea and nay vote, or where the House is engaged in voting by Ballot; and in all cases of a tie vote the question shall be lost, except on an appeal from the decision of the Chair.

#### Rule III. Speaker Pro Tem.

The Speaker Pro Tem shall perform all the duties of Speaker in the absence of that officer; and on such other occasions as the Speaker may request.

#### Rule IV. Duties of the Clerk.

The Chief Clerk shall keep a correct journal of the proceedings of the House, and perform such other duties as may be assigned to him. He shall superintend the recording of the Journal of the proceedings, the engrossing, enrolling, transcribing and copying of bills, resolutions, etc.; shall permit no record or paper belonging to the House to be taken out of his custody otherwise than in the regular course of business; shall report any missing papers to the Speaker; shall have general supervision of the entire clerical force of the House, under the direction of the Speaker and generally shall perform all the duties pertaining to his office as clerk.

2. Clerk may correct certain errors. The Chief Clerk and his engrossing clerks, in all proper cases shall correct any mere clerical errors in any house bill, memorial or resolution, such as errors in orthography or the use of one word for another, as "affect" for "effect", "previous" for "previously", and the like; and also all mistakes in numbering the Sections and reference thereto, whether such mistakes occur in the original bill or are caused by amendments made thereto; provided such corrections shall not be made after engrossment, except by an order of the House; and provided further that all such corrections shall be reported to the Speaker. But no such corrections other than such as are authorized by this rule shall be made at any time by the Clerk or his assistants, unless upon order of the House.

#### Rule V. Duties of the Sergeant-at-Arms.

It shall be the duty of the Sergeant-at-Arms to attend the House during its sessions, to maintain order under the direction of the Speaker and pending the election of the Speaker or Speaker pro tem, under the direction of the Clerk, execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker, and shall have general supervision of the entire administrative force of the House.

#### Rule VI. Chaplain.

The Chaplain shall attend at the commencement of each day's

sitting of the House, and open the same with prayer.

Rule VII. Questions of Privilege.

Questions of privilege shall be first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation and conduct of the members individually in their representative capacity only, and shall have precedence of all other questions except motions to fix the time to which the House shall adjourn, to adjourn and for a recess.

Rule VIII. Of Committees.

1. The Speaker shall appoint the following standing committees, to consist of such number of members, not exceeding eleven, as he may elect, unless otherwise specially ordered by the House. The Committee on Rules, Joint Rules and Order of Business shall consist of the Speaker and four members to be by him appointed.

Ways and Means.

Judiciary.

Privileges and Election.

Appropriations.

Banks and Banking.

Mines and Mining.

Townships and Counties.

Military Affairs.

Internal Improvements.

Improvements and Manufacturing.

Horticulture.

Education.

Federal Relations.

Development and Publicity.

Agriculture.

Conservation of Resources.

Water Ways and Navigation.

Irrigation and Water Rights.

Labor.

Railroads and Transportation.

Dairying.

State Lands.

State Boards and Officers.

Apportionment and Representation.

State Institutions, Public Buildings and Grounds.

Fish and Game.

Affairs of Cities.

Mileage and Per Diem.

Engrossment.

Libraries.

Highways.

Live Stock and Public Ranges.

Rules, Joint Rules and Order of Business.

Enrollment.

Insurance.



Fairs and Expositions.  
 Corporations other than Municipal.  
 Sanitary Affairs.  
 Journal.  
 House Employees.

2. He shall appoint all select committees which shall be ordered by the House from time to time, unless otherwise ordered by the House.

3. The first named member of each committee shall be the chairman; and in his absence, the next named member, and so on, as often as the case may happen.

#### Rule IX. Committee Clerks.

The chairman of the Committee shall appoint its clerk, subject to the approval of the majority of the committee, if such clerk or clerks are deemed necessary, who shall be paid at the public expense, the House having first provided for such clerk or clerks.

#### Rule X. Order of Business.

The first business of each day's session shall be prayer by the Chaplain, roll call, reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein, after which the order of business shall be as follows:

1. Communications and Petitions.
2. Notices.
3. Reports of Select Committees.
4. Reports of Standing Committees.
5. Introduction of Bills.
6. Motions and Resolutions.
7. Reading of Bills, Resolutions and Memorials.
8. Consideration of Messages from Governor and Senate.
9. Third Reading of Senate Bills.
10. Third Reading of House Bills.
11. Consideration of General Orders.
12. Unfinished Business.

#### Rule XI. Absence of Committees.

No Committee shall absent themselves by reason of their appointment during the sitting of the House without special leave, except committees of conference, engrossment or enrollment.

#### Rule XII. Debate.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor, or from the clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak; and no member shall occupy more than one-half hour in debate on any question in the House or in Committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a Committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to

one-half hour to close, notwithstanding he may have used an hour in opening.

4. If any member in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain; and the House, shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed but not otherwise, and if the case require, he shall be liable to censure or such other punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once on the same question without leave of the House, unless he be the mover, proposer or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Rule XIII: On Calls of the Roll and House.

1. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same name, in which case the name of the county shall be added; and if there be two such members from the same county, the whole name shall be called, and after the roll has been once called, the clerk shall call in alphabetical order the names of those not voting or answering.

2. In the absence of a quorum, ten members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, or, if a quorum be present, a call of the House shall be ordered upon the demand of fifteen members, and pending such call, all other business shall be suspended. In all calls of the House the names of the members shall be called by the clerk and the absentee noted; the door shall then be closed, and those for whom no sufficient excuse is made, by order of a majority of those present, shall be sent for and arrested wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

3. When, on call of the House there are members present declining to vote, their names shall be called by the Speaker and entered on the Journal as present. If those voting or answering to their names on the call, and those who are present and declining to vote or answer shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as a majority of those voting shall indicate. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

4. Pairs shall be announced by the Clerk after the completion of the second roll call from a written list furnished him, and signed by the members making the statement to him.

Rule XIV. On Motions, Their Precedence, Etc., Etc.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it or (if it be in writing), cause it to be read aloud by the Clerk before being debated, and it then shall be in possession of the House, but may be withdrawn at any time before decision of amendment.

3. When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn and to take a recess shall always be in order and the hour at which the House adjourns shall be entered on the Journal.

6. On motion of any member before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color or amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced, he shall not entertain any other dilatory motion till the vote is taken on suspension.

Rule XV. Motions Decided without Debate.

All incidental questions of order, arising after an undebatable motion is made, and pending such motion, shall be decided whether on appeal or otherwise, without debate.

Rule XVI. Motions not to be Renewed.

A motion to postpone to a day certain to commit or postpone indefinitely, being decided, shall not again be allowed on the same day and at the same stage of the bill or proposition.

Rule XVII. Privilege Motion.

1. A motion to adjourn shall always be in order, except when the House is voting, or when the last business transacted was a motion to

adjourn, but this rule shall not authorize any member to move an adjournment when another member has the floor.

2. Any motion or resolution relating to the organization of the House, or to any of its officers, members or committees, shall be privileged, and need not lie over for consideration.

Rule XVIII: Duties of Committee on House Employees.

1. It shall be the duty of the Committee on House Employees to classify the different standing committees with a view to having one clerk act for as many different standing committees as, in its judgment shall deem fit.

2. They shall also examine applicants for positions as committee clerks, as to their efficiency.

All requests for the appointment of clerks by chairmen of committees shall be made through the committee on employees and not otherwise, but the right of the chairmen of committees that are entitled to a clerk to select the same shall not be abridged. All clerks shall be subject to the order of the Chief Clerk when not occupied with the work of their committees.

Rule XIX: Members to Vote, unless Excused.

Every member present, when a question is put, when his name is called shall vote, unless the House shall for special cause excuse him.

Rule XX. Filling Blanks.

In filling blanks the largest sum and the longest time shall be first put.

Rule XXI. Tie Vote.

In all cases where the House is equally divided the question shall be lost, except on appeal from the decision of the Chair.

Rule XXII. Reconsideration.

1. When a motion has been made and carried or lost, it shall be in order for any member who voted with the prevailing side, on the same or succeeding day to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration; provided that such motion if made during the last six days of the session shall be disposed of when made.

No. 2: No bill, petition, memorial or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on motion to reconsider; and all bills, petitions, memorials or resolutions reported from a committee shall be accompanied by reports in writing which shall be entered in the Journal.

Rule XXIII. Previous Question.

1. There shall be a motion for the previous question, which being ordered by a majority, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered; provided, that when the previous question is ordered on any proposition

on which there has been no debate, it shall be in order to debate the proposition to be voted on for thirty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual account by the Speaker that a quorum is not present.

3. All incidental questions of order arising from, after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

#### Rule XXIV. Amendments.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by the way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but neither the substitute nor amendment to the substitute may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall only be in order immediately preceding its third reading and shall be decided without debate.

#### Rule XXV. Of Amendments of the Senate.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House, if, originating in the House, it would be subjected to that point.

#### Rule XXVI. Notice of Introduction.

All bills and resolutions offered in the House by any member or committee shall be indorsed by the member or committee offering the same, and no bill shall be introduced except after one day's previous notice of the bill by its title, unless by the consent of two-thirds of the members present.

#### Rule XXVII. Concerning Reading Generally.

Every bill shall receive three several readings previous to its passage, but no bill shall receive its second and third readings on the same day, except on the last day of the session, and no bill shall receive its third reading that has not been referred to a committee of the House, or a joint committee of the Senate and House. All bills, memorials or joint resolutions on their first and second readings, unless otherwise provided in these rules, shall be read by their titles. The third reading of bills shall be in full, except that reading of the voluminous bills in full may be dispensed with by a vote of two-thirds of the members present.



**Rule XXVIII. Introduction of Bills.**

No bill for the appropriation of money, except for expenses of State Government, shall be introduced within ten days of the close of the session, except by unanimous consent. This rule shall not be suspended.

**Rule XXIX. First and Second Reading.**

The first reading of the bill shall be for information, if objection be made to it, the question shall be, "Shall the bill be rejected?" If no objection is made or the question to reject be lost the bill shall go to its second reading without further question.

**Rule XXX. Printing of House Bills.**

All House bills after the second reading shall be referred to the proper committee, and if a majority of such committee recommend the passage of the bill, 400 copies thereof as reported shall be printed. A bill may also be ordered printed by an affirmative vote of one-third of the members of the House present. All bills referred to the Printing Committee must be reported within three days, unless further time be granted by the House.

**Rule XXXI.**

No bill or joint measure shall be considered in the House until it has first been considered by a Committee of the House and printed for the use of the members. This rule shall not be suspended.

**Rule XXXII. Two Readings Before Commitment.**

No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read; and all joint resolutions which shall require the signature of the Governor shall take the same course as to the readings as in case of bills, unless otherwise ordered by the House by two-thirds vote of the members present.

**Rule XXXIII. Reference of Bills Etc.**

On the second reading, every bill or measure requiring three readings, shall be referred to an appropriate committee by the Speaker, unless the House by a two-thirds vote, make a different order in relation thereto. This rule shall apply to bills and memorials originating in the Senate as to those originating in the House; but bills reported by joint committees shall be accepted. House bills reported with amendments shall have such amendments incorporated in the bill before printing.

**Rule XXXIV. Majority and Minority Reports.**

In case all the members of any committee required or entitled to report on any subject referred to them cannot agree on a report, the majority and minority of such committee may each make a separate report; and any member dissenting in whole or in part from the reasonings or conclusions of both the majority and minority may also present to the House a statement of his reasoning and conclusions; and all reports, if decorous in language and respectful to this House, shall be entered at length on the Journal unless otherwise ordered by the House.

**Rule XXXV. Title of Bill to be Recited.**

Every committee in reporting on any bill or memorial, shall recite at length in report the title of such bill or memorial as well as the number thereof.



**Rule XXXVI. Reading of Memorials.**

If the House shall dispense with the printing of any memorial, such memorial shall be read at length at least once before its final passage and this rule shall not be suspended without the unanimous consent of the House.

**Rule XXXVII. Reading of Appropriation Bills.**

The second and third readings of bills appropriating money shall be at length, and a suspension of this rule shall not be made. House and Senate measures reported by Committees and accepted by the House shall, when correctly printed, constitute the General Orders. When House Bills are ordered printed by less than a majority vote such bills shall not be placed on General Orders except upon motion carried by a majority of the members present. Bills in the General Orders shall be arranged therein by the Clerk in the order in which they are reported or referred thereto as aforesaid, and shall be considered in the same order unless the House shall direct otherwise.

**Rule XXXVIII. General Orders.**

The business of General Orders shall be considered in committee of the whole, and if the consideration of any bill or measure shall be passed it shall lose its precedence for the day, and the order of precedence shall not be changed, except upon motion to suspend the rules fixing such order.

**Rule XXXIX. Concerning Substitutes and Amendments.**

No standing or select committee, or any member thereof, shall report any "substitute" or "amendment" for any bill or bills, or resolution, referred to such committee, which substitute or amendment relates to a different subject or is intended to accomplish a different purpose than that of the original bill or resolution for which it is reported, or which, if adopted, or passed would require a title essentially different from the title, of the original bill or resolution; and any substitute, or bill or resolution so reported, shall be rejected whenever the House is advised that the same is a violation of this rule. This rule shall not be suspended.

**Rule XL. Of Committees of the Whole House.**

1. The House may resolve itself into a Committee of the whole by a majority of a quorum voting on motion of a member for that purpose.

2. In all cases, in forming a Committee of the House, the Speaker shall leave his chair, after appointing a chairman to preside, who shall in case of disturbance or disorderly conduct in the galleries or lobbies, have the power to cause them to be cleared.

3. Whenever a Committee of the Whole House finds itself without a quorum the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal: but, if, on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

4. All bills, resolutions or memorials requiring the signature of the Governor shall be considered in the Committee of the Whole before being taken up and considered by the House, and a point of order under

this rule shall be good at any time before the consideration of a bill has commenced.

5. In Committee of the Whole, House Business on the calendar shall be taken up in regular order, except bills for raising revenue and general appropriation bills, which shall have precedence; and when objection is made to passing over any bill or proposition, the Committee shall thereupon rise and report such objection to the House, which shall decide without debate whether such bill or proposition shall be considered or laid aside for the present; whereupon the Committee shall resume its sitting without further order of the House.

6. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by unanimous consent of the Committee.

7. The House or the Committee may, by a vote of the majority of the members present at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendment only (which motion shall be decided without debate), but this shall not preclude further amendment to be decided without debate.

8. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said Committee without further action by the House, but before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again recorded to the House it shall be referred to the Committee of the Whole without debate.

9. Every bill in the Committee of the Whole shall be read and considered by sections, unless the committee shall order otherwise. The body of the bill shall not be defaced or underlined, but all amendments agreed to by the Committee shall be attached to the bill, noting the sections and line, and so reported to the House.

10. The rules of proceeding in the House shall be observed in Committee of the Whole House, so far as may be applicable, except that a member may speak more than twice on the same subject, and a call for the ayes and nays or for the previous question cannot be made in committee.

#### Rule XLI. Report of Committee.

After business upon which the House resolved itself into Committee of the Whole shall be completed, the Committee shall rise and report.

The report of the Committee of the Whole shall contain a correct account of the action had on each particular measure. When more than one bill is considered in Committee of the Whole and the report of the Committee of the Whole is adopted in one report it shall be in order that, on the succeeding day, for any member who voted with the prevailing side to move to reconsider the action of any measure separately.

**Rule XLII. Action of House Upon Report of Committee.**

The Speaker upon resuming the chair shall receive the report of the Chairman of the Committee of the Whole, and the House shall take action thereon.

**Rule XLIII. Form of Bills.**

Every bill, except appropriation bills, and bills for the publication and revision of the laws, shall contain but one subject, which shall be clearly expressed in the title; and no bill shall be altered or amended so as to change its original purpose. This rule shall not be suspended.

**Rule XLIV. Engrossing of Bills.**

Every House bill and resolution ordered to be engrossed, and read a third time shall be typewritten, with all amendments, before such third reading, except as provided for in Rule L, and the engrossing clerk shall make, file and retain a correct copy of every bill engrossed and reported to the House.

**Rule XLV. No Amendment on Third Reading.**

On the third reading of the bill or resolution no amendment except to fill blanks shall be received, except by the unanimous consent of the members present.

**Rule XLVI. Recommitment Previous to Passage.**

A bill or resolution may be recommitted at any time previous to its passage. If any amendment be recorded upon such commitment the question shall be upon the amendment, and the question for its engrossment and third reading may then be put.

**Rule XLVII. Question of Passage of Bills.**

Upon the third reading of the House bill the question shall be stated thus: "This bill having been read three several times, the question is, 'Shall the bill pass?'" Upon the third reading of the Senate bill the question shall be stated thus: "This bill having been read three several times, the question is, 'Shall the bill be concurred in?'"

**Rule XLVIII. Engrossment of Bills.**

Whenever a House Bill which is fairly written, without interlineation or erasure, is ordered to be engrossed for a third reading without amendment, the Committee on Engrossed Bills may report such bill back to the House as an engrossed bill.

**Rule XLIX. Enrollment of Bills.**

1. The Committee on Enrollment shall not report any bill as correctly enrolled that has any words interlined therein, or when any words have been erased therefrom, except that when the title of any bill begin with the words "A Bill for an Act, etc.," the Committee on Enrollment shall omit from the enrolled bill the words, "A Bill for."

2. When the title of any bill shall begin with the words, "A Bill for an Act entitled an Act, etc.," the Committee on Enrollment shall omit from the enrolled bill the words, "A Bill for an Act entitled."

**Rule L. When Certain Committees May Report.**

The following named committees shall have leave to report at any time, except when questions are being called or a call of the House is being had on the matters herein stated: The Committee on Rules and Joint Rules and Order of Business, the Committee on Enrollment, on enrolled bills; the Committee on Ways and Means, on bills for raising revenue; the Appropriation Committee, on general appropriation bills; the Committee on Privileges and Elections, on the rights of a member to his seat.

**Rule LI. Transmission of Bills to Senate.**

Each bill which passes its third reading shall be certified by the Clerk and by him transmitted to the Senate. The day of transmission shall be entered on the Bill Books of the Clerk.

**Rule LII. Prohibiting "Riders."**

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein, any other bill or resolution pending before the House. This rule shall not be suspended.

**Rule LIII. Priority of Business.**

All questions relative to the priority of business, except a motion to change the order of business, shall be decided by a majority without debate.

**Rule LIV. Suspending and Changing Rules.**

No standing rule or order of the House shall be changed, without being first referred to the Committee on Rules, and no rule shall be suspended, changed, or rescinded, nor the order of business changed, except by vote of at least two-thirds of the members present and no joint rule or order of business shall be changed or suspended, except, by a two-thirds vote in each House. New rules reported by the Committee on Rules shall be adopted by a majority of those voting.

**Rule LV. Conference Reports.**

The presentation of reports of Committees of Conference shall always be in order except when the Journal is being read, or the House is dividing on any proposition, and they shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measure to which they relate, which statement shall be entered upon the Journal.

**Rule LVI. Privileged Reports.**

Reports from the following named committees may be made at any time and shall stand approved without formal action unless otherwise ordered by the House:

Printing Committee.

Engrossing Committee.

Steering Committee.

Enrolling Committee.

**Rule LVII. Roll Call.**

The ayes and noes shall be entered on the Journal upon the request

of two members. This rule shall not be suspended.

Rule LVIII. Presentation of Petitions.

Petitions, memorials, communications and other papers addressed to the House shall be presented by a member in his place, a brief statement of the contents thereof shall be made verbally and endorsed thereon, together with his name, by the member introducing the same.

Rule LIX. Introduction of Resolutions and Bills.

Any member offering a resolution in the House may read the same in his place before sending it to the chair. It shall then be read by the Clerk unless otherwise ordered by the House; and it shall not be acted upon by the House on the same day on which it is offered, without leave.

2. No member shall introduce more than two bills in one day.

Rule LX. Reading of Papers.

When the reading of a paper other than the one upon which the House is called to give a final vote is demanded, it shall be determined without debate by a vote of the House.

Rule LXI. Hall of the House.

The Hall of the House shall be used only for the Legislative Business of the House, and for the Caucus meetings of its members, except upon occasions where the House by resolution agrees to take part in any ceremony to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

Rule LXII. Who May Be Admitted to the Floor.

Persons of the following classes and no others shall be admitted to the floor of House during the session thereof, viz: All State and Legislative Officers, Members of the Late Constitutional Convention, Ex-Members of the Legislative Assembly, Members of Congress, Judges of the Courts, all Editors of Newspapers, Reporters for the Press, having credentials as such, Contestants for Seats in the House, and such other persons as the Speaker or any member may invite.

Rule LXIII. Withdrawal of Papers.

No memorial or other paper presented to the House shall be withdrawn from its files without leave, and if withdrawn therefrom, certified copies thereof shall be left in the office of the Clerk; but when an Act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer charged with the settlement thereof the paper on file in his office relating to such claim, or may loan temporarily to any officer of the Executive Departments any papers on file in his office relating to any matter pending before such officer, taking receipt therefor.

Rule LXIV. Adjournment.

The House shall not adjourn to any other place than the Hall of the House, nor for more than three days without the consent of the Senate. This rule shall not be suspended.

Rule LXV. Communications from the Executive Departments.

Estimates of appropriations, and all other communications from the Executive Departments intended for the consideration of any Committees of the House, shall be addressed to the Speaker, and by him submitted to the House for reference.



## Rule LXVI. Authority on Parliamentary Practice.

1. The rules of Parliamentary Practice comprised in Roberts' Rules of Order shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the House, and the Joint Rules and Orders of the Senate and the House.

2. On questions of orthography, Webster's International Dictionary shall be taken as the standard.

Mr. Speaker:

We, Your Committee on State Institution and Public Buildings, etc., having had under consideration House Bill No. 286, introduced by McCoy, being an bill for an Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventilating of public buildings, respectfully recommend that the bill do not pass.

SHOEMAKER, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings, etc., having had under consideration H. B. No. 342, introduced by Shoemaker, being a bill for an Act entitled, "An Act to prohibit the establishment or maintenance of saloons or places where malt, vinous or spirituous liquors are sold at retail, within two thousand feet of any State Educational Institution, and prohibiting the issuance of permits or licenses therefor and fixing a punishment for the violation of this Act," respectfully recommend that the bill do pass.

SHOEMAKER, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Labor, having had under consideration House Concurrent Resolution No. 7, introduced by Norton, relating to Asiatic and particularly to Japanese immigration into the United States, recommend that the same do pass.

HAYES, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Labor, having had under consideration House Bill No. 296, introduced by Norton, entitled, "A bill to impose on contractors on State Buildings and State works certain conditions as to labor and wages, an Act requiring hereafter all contractors on buildings, works owned by, or to be accepted by the State of Montana, to enter into an agreement to the effect that none but members of labor unions will be employed on such works or buildings and to the effect that all persons employed on such works or building be paid the scale of wages fixed by labor unions in the place where the work or building



is to be done and to the effect that such contractors will conform to the rules relating to wages, hours constituting a day and other rules for work fixed by labor unions in the place where the building or work is to be carried on," and recommend the same back to the House with the following amendments:

Strike out in lines 4 and 5 of the Title the following words: "Members of labor unions will be employed on such works or buildings and to the effect," and as amended recommend that the same do pass.

HAYES, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Labor, having had under consideration House Joint Resolution No. 6, introduced by Connelly, relating to the employment of prisoners confined in the State Prison of the State of Montana, recommend the same back to the House with the following amendments:

Strike out in line 19 after the word "the" the following words "furnishing of some suitable employment for" and insert in lieu thereof the words "manufacture of binding twine, jute and burlap bagging and bags by," and as amended recommend that the same do pass.

HAYES, Chairman.

Report adopted

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 258, introduced by MacGinniss, being a bill for an Act entitled, "An Act to amend Section 4213 of the Revised Codes of Montana of 1907, relating to the fees of the Secretary of State for filing Incorporation Papers of Co-operative Associations," recommend the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 277, introduced by Pierson, being a bill for an Act entitled, "An Act to define banking, to prohibit banking except by banks incorporated under National or Montana Laws, or by foreign banking corporations complying with Montana laws, limiting the use of word 'Bank,' 'Banker,' or 'Banking,' exempting private banks doing business January 21, 1909, from the Act, and fixing penalties for the violation thereof," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration House Bill No. 232, introduced by MacGinniss, being a bill

for an Act entitled, "An Act fixing the liability of a bank to its depositors for payment of forged or raised checks," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We your Committee on Banks and Banking, having had under consideration Senate Bill No. 31, introduced by McCone, being a bill for an Act entitled, "An Act relating to banks and banking, providing for conversion from a State Bank to a National Bank and surrender its charter as a State Bank and transfer of its property; providing for an increase or decrease in the capital stock of such a bank; providing for conversion from a National Bank to a State Bank," recommend that the same be concurred in.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 71, introduced by Rae, being a bill for an Act entitled, "An Act concerning the payment of deposits in banks in trust," recommend that the same be concurred in.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration House Bill No. 240, introduced by Bogart, being a bill for an Act entitled "An Act to amend Sections 213-214 of the Revised Codes of Montana of 1907, relating to the salary and expenses of, and the assistants to, the State Examiner," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration House Bill No. 273, introduced by MacGinniss, being a bill for an Act entitled, "An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 270, introduced by MacGinniss, being a bill for an Act entitled, "An Act to amend Section 5923 of the Revised Codes of

Montana relative to the payment of instruments made payable at a bank," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 269, introduced by MacGinniss, being a bill for an Act entitled, "An Act relating to the payment of deposits in two names," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 267, introduced by MacGinniss, being a bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 16, 1909.

Mr. Speaker:

We, your Committee on Development and Publicity, having had under consideration S. B. No. 24, being a bill for an Act entitled, "An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of Statistics for the use of said Bureau, by Counties and by Chambers of Commerce, Commercial Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federated Trades Unions, and other Industrial Associations of Promotive Character; to provide for appropriations by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said Bureau," recommend that it be referred to the Committee on Appropriations in accordance with the resolution that "Hereafter all Senate and House Bills which carry appropriations be referred to the Committee on Appropriations."

CHRISTLER, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 214, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act making appropriations for the Executive and Judicial Departments of the State Government for two years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911," having had same under consideration, recommend

that in place thereof Substitute for H. B. No. 214 do pass.

KILGALLON, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 268, introduced by MacGinniss, being: A bill for an Act entitled, "An Act to punish derogatory statements affecting banks," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 159, introduced by Thompson, being a bill for an Act entitled, "An Act to repeal Section 4015 of the Revised Codes of Montana of 1907, concerning Banking Corporations of this State," recommend that the same be indefinitely postponed, for the reason that it relates to the same subject as H. B. No. 277.

LARGEY, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

We, your Committee on Ways and Means, to whom was referred S. B. No. 2, "An Act to provide for the Deposit and Disbursement of money received from the investment of the permanent funds of State Educational Institutions and from the leasing of lands granted by the Federal Government to such Institutions, etc.," beg to report the bill back with the recommendation that it do pass.

MacGINNISS, Chairman.

Report adopted.

Mr. Speaker announced that he was about to sign Concurrent Resolution No. 2 and thereupon signed it in the presence of the House.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 32, 46 and 33, and thereupon signed them in the presence of the House.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders.

White in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 87, being a bill for an Act to provide for teaching in the public schools, the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also, H. B. No. 91, being a bill for an Act "To provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district in any county not the county of residence of such Judge," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 94, a bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 96, being "An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to provide for the maintenance thereof," beg leave to report having had the same under consideration and recommend that the enacting clause be stricken out.

Moved report adopted.

Moved as a substitute, be re-referred to Committee of the Whole.

Also, H. B. No. 215, being a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expense of the State Auditor," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 218, being a bill for an Act to amend Sections 317, 318, 320, 325, 327 and 328, of the Revised Codes of Montana of 1907, making the jurisdiction of Notaries Public co-extensive with the boundaries of the State, and relating to the manner of certifying their official acts and authorizing the Secretary of State and County Clerks to certify to the official character of Notaries Public, providing the fees therefor, and the execution and approval of their bonds, beg leave to report having had the same under consideration and recommend the same do pass.

House resolved itself into Committee of the Whole for the consideration of General Orders.

King in the Chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 220, being a bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphans' Home or Asylum, beg leave to report having had the same under consideration and recommend the same do pass.

On motion House resolved itself into Committee of the Whole for consideration of H. B. No. 222.

Woody in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 222, being a bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary.

Also, H. B. No. 47, a bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted," beg leave to report having had Senate Amendment to H. B. No. 47 under consideration and recommend that the same be concurred in.

Also H. B. No. 97: A bill for an Act to provide for Fire Drills in the Schools of the State, beg leave to report having had Senate Amendments to H. B. No. 97 under consideration and recommend that the same be concurred in.

Also, H. B. No. 201, being a bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 21, being a bill for an Act to provide for the taxation of mortgages of real property, beg leave to report having had the same under consideration and recommend the same do pass.

#### NOTICES.

February 17, 1909.

Mr. Speaker:

I hereby give notice that I will on tomorrow or some subsequent day introduce a bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, 1907, relating to salaries and mileage of Court Stenographers."

McCOY.

Report adopted.

#### RESOLUTION.

February 17, 1909.

Mr. Speaker:

Since "Eden's Time" the apple has been a subject of much Publicity and Development. Your Committee, therefore, on Development and Publicity, amid wild enthusiasm move to extend to the progressive citizens of the counties of Carbon and Ravalli, and the State Horticultural Society, a lusty vote of thanks for the handsome treat furnished the members of this Assembly in the form of a delicious fruit proffered them this afternoon, thus accomplishing a most effective work at a moment when the very "Old Adam" was raising "hot" with the Committee of the Whole

CHRISTLER, Chairman.

Received.

On motion House adjourned until 10 o'clock tomorrow.

W. W. McDOWELL, Speaker

Attest: CHAS. Z. POND, Chief Clerk.



## Forty-Sixth Day.

Helena, Montana, February 18th, 1909.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Prayer by Chaplain.

Roll call.

Quorum present.

Journal read and approved.

### NOTICES OF INTRODUCTION OF BILLS.

By Gray: A bill for an Act entitled, "An Act relating to Justice of Peace fees."

By Derry: A bill for an Act placing highways and bridges in counties of the first class under the supervision and control of the county surveyor, defining his powers and duties, fixing his compensation and abolishing the office of road supervisor in counties of the first class.

By Coit: A bill for an Act to create the County of Independence, designating and defining its boundaries, providing for its organization and government; to apportion the indebtedness existing between the said county of Independence and the counties of Deer Lodge, Silver Bow and Jefferson.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Steering Committee reports the following on General Orders for February 18: Joint Resolution 8, House Bills 96, 233, 42, 40, 89, 84, 170, 241, 243, 254, 256 and 141.

MacGINNISS, Chairman.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 279, being a bill for an Act entitled, "An Act to amend Section 2499 of the Revised Codes of Montana of 1907, relating to exemption from taxation," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 196, being a bill for an Act to amend Section 6800 of the Revised Codes, relating to signing and entering judgments, having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 306, being a bill for an Act entitled, "An Act to empower City and Town

Councils to pay in installments for any improvements which are to be paid for by special assessment against any property and for such installments to issue annual interest-bearing warrants and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 282, being a bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana, relating to the power of the Board of County Commissioners to reject bids for the care of the poor and to provide for the employment of a Superintendent and his duties and compensation," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report amendment to Senate Bill No. 60, as correctly engrossed.

WARREN, Chairman.

February 18, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 77, 127, 88, 23 and 110 as correctly engrossed.

WARREN, Chairman.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 65, being: A bill for an Act entitled, "An Act to create the County of Lincoln, designate its boundaries and provide for its organization and government," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be referred to the Committee on Towns and Counties.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 261, being: A bill for an Act entitled, "An Act to amend Section 6813 of the Revised Codes of Montana, 1907, and to repeal Section 6818 of the Revised Codes of Montana, 1907, relating to the issuance of execution," having had said bill under consideration, beg leave to report that Sub-

stitute for H. B. No. 261, being, A bill for an Act entitled, "An Act to amend Section 6813 of the Revised Codes, and to repeal Section 6818 of the Revised Codes, relating to the issuance of execution," having been under consideration by said Committee, beg leave to report same back to th House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred H. B. No. 278, being: A bill for an Act to amend Chapter 106 of the Laws of 1905, being: An Act to provide for the construction of drains and the assessment and collection of taxes therefor, by amending Sections 5 and 6 of Article I, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19 of Article II, Sections 1, 2, 3 and 4 of Article III, Sections 1, 2, 4, 6 and 9 of Article IV, Sections 1, 2, 3 and 4 of Article V, Section 6 of Article VI, and Section 18 of Article VIII thereof, and by adding a section to Article II thereof, to be known as Section 22, and by adding a section to Article IV thereof to be known as Section 10, providing for appeals from awards of Special Commissioners and assessments of Boards of Review, and repealing Sections 5, 11 and 12 of Article V thereof, having had said bill under consideration, respectfully report the same back to the House with the recommendation that it be printed.

WHALEY, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Agriculture, having had H. B. No. 92 under consideration, beg leave to report back to the House with the recommendation that the bill be printed.

ELLIOTT, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 343, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Prison during the year ending Fberuary 28, 1909," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, to whom was referred H. B. No. 283, being: A bill for an Act entitled, "An Act to amend Section 4885 of the Revised Codes, 1907, of the State of Montana, relating to the term of office of Water Commissioners," having had said bill under consideration, respectfully report the same back to the

House with the recommendation that it do pass.

WHALEY, Chairman.

Adopted.

On motion H. B. No. 211 was placed on General Orders.

On motion H. B. No. 147 was placed on General Orders.

On motion of Norton, H. B. No. 305 was ordered printed and placed on General Orders.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were today introduced, read first and second time and referred.

Substitute for H. B. No. 261, by Committee on Judiciary: A bill for an Act entitled, "An Act to amend Section 6813 of the Revised Codes, and to repeal Section 6818 of the Revised Codes, relating to the issuance of execution."

Referred to Printing Committee.

H. B. No. 346, by Woody: A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled, 'An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the Permanent funds of the various State Educational Institutions,' approved March 1st, 1907."

Referred to Judiciary Committee.

H. B. No. 347, by Gray: A bill for an Act entitled, "An Act providing for the appropriation of Eight Thousand Dollars (\$8,000.00) from the Fish and Game fund of the State of Montana to be used for the purchase of pheasants and such other game birds as may be adapted to the State of Montana, and for the distribution of such birds among the various Counties."

Read first time by title, second time at length, and referred to Appropriation Committee.

H. B. No. 348, by Werner: A bill for an Act entitled, "An Act to prohibit Public School Officers and Employees from asking, instructing or ordering Public School Pupils to solicit funds for any purpose and providing penalties for violation thereof."

Referred to Committee on Education.

H. B. No. 349, by Butzerin: A bill for an Act entitled, "An Act relating to suits for divorce, alimony and annulment of marriage; authorizing courts to fix the time in which divorced parties may remarry; providing a penalty for the violation of decrees; and repealing Sections 3636, 3637, 3643, 3644, 3645 and 3646 of the Revised Codes of Montana of 1907."

Referred to Judiciary Committee.

H. B. No. 50, by Roy: Being a bill for an Act entitled, "An Act for the protection of employees, discharged from their employment, and providing penalties for the violation of the same."

Referred to Committee on Labor.

H. B. No. 351, by Allen: A bill for an Act concerning Minors playing on Billiard and Pool Tables.

Referred to Committee on Affairs of Cities.

H. B. No. 352, by Burke: A bill for an Act to regulate the condition and installation of public and private crossings over railroad tracks, and conferring power upon the Railroad Commission to make orders concerning the same.

Referred to Committee on Railroads and Transportation.

H. B. No. 353, by Committee on Live Stock and Public Ranges: A bill for an Act to regulate the shipment of live stock into this State, providing for the inspection thereof, and the Issuance of Test Charts and Health Certificates, and providing penalties for a violation thereof.

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 354, by McCoy: A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, 1907, relating to salary and mileage of Court Stenographers."

Referred to Judiciary Committee.

H. B. No. 355, by Bogart: A bill for an Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the Board of Railroad Commissioners or the Courts, and providing rules of evidence relating to the same.

Referred to Committee on Railroads and Transportation.

H. B. No. 356, by Berkin: A bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which Act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."

Referred to Committee on Affairs of Cities.

H. B. No. 357, by Berkin: A bill for an Act to amend Section 5, of Chapter 57, of the Laws of 1905, relating to the issuance of Game Licenses by Justices of the Peace."

Referred to Committee on Fish and Game.

H. B. No. 358, by Whaley: A bill for an Act regulating the manufacture and sale of butter and other products, and the development of said industry in the State of Montana.

Referred to Committee on Sanitary Affairs.

H. B. No. 359, by Committee on Bank and Banking: A bill for an Act relating to Banks and Banking and providing for the creation of a surplus fund.

Referred to Committee on Banks and Banking.

H. B. No. 360, by Committee on Insurance: A bill for an Act entitled, "An Act to permit foreign surety companies to do business in this State, and regulating the method thereof."

Referred to

Substitute for H. B. No. 213, by Committee on Railroads and Transportation (by request of Mr. Brewster): A bill for an Act entitled, "An Act to regulate the transportation of coal, and to provide for the payment for loss of coal in transit."

Referred to Printing Committee.

H. B. No. 361, by Committee on Live Stock and Public Ranges: A bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange, and to place such duties under the charge of the State Veterinarian and to make an appropriation for such experiments."

Read first time by title, second time at length and referred to Appropriation Committee.

#### MESSAGES FROM THE SENATE.

February 17, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Substitute for H. B. No. 122 was reported back from the Committee on Counties, Towns and Municipal Corporations with recommendation that it be indefinitely postponed.

Report was adopted, and Substitute for H. B. No. 122 is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 17, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 89, 99, 77 and 97, having been read three several times and passed, are herewith transmitted to the House for their concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of introduction of a bill was this day given as follows:

By Kessler: A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy clerks and sheriffs."

Respectfully,

NATHAN GODFREY, Secretary.

February 16, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that



the following bills were introduced, read first and second time and referred:

By Truscott: S. B. No. 115: A bill for an Act entitled, "An Act to create the Fourteenth District of the State of Montana; to be composed of the County of Valley; and to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties and compensation and term of office of the Judge of said Judicial District."

Referred to Judiciary Committee.

By Cockrell, S. B. No. 116: A bill for an Act entitled, "An Act to amend Section 5332 of the Revised Codes of the State of Montana, of 1907, relating to Common Carriers."

Referred to Judiciary Committee.

By Donlan, S. B. No. 117: A bill for an Act to create the County of Highwood, designate its boundaries and provide for its organization and government.

Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY, Secretary.

#### READING OF SENATE BILLS.

The following Senate Bills were read first and second time and referred:

S. B. No. 77, by Rae: A bill for an Act requiring persons elected as Directors of Corporations to file acceptance of office; forbidding corporations to hold out any one as a Director without such acceptance having been filed, and amending Section 3835 of the Revised Codes of Montana of 1907, relating to election of Directors, and fixing penalties.

Referred to Committee on Corporations other than Municipal.

S. B. No. 89, by Edwards: A bill for an Act entitled, "An Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana, 1907, relating to the duties and salary of the Secretary and Deputies of the Bureau of Child and Animal Protection."

Referred to Committee on State Boards and Officers.

S. B. No. 97, by Annin: A bill for an Act to amend Sections 825 and 846 of the Revised Codes of Montana of 1907 and providing for inspection by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees and providing for penalties for the failure to make such reports.

Referred to Committee on Education.

S. B. No. 9, by Cockrell (by request): A bill for an Act to amend Section 2047 of the Revised Codes of Montana of 1907, relating to Local Option.

Referred to Committee on Privileges and Elections.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 77 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Burke, Butzerin, Coit, Connelly, Cum-

mings T. A., Edgerton, Elliott, Frank, Garber, Gray, Hall, Hammond, Jacobson, Kelsey, Kilgallon, King, Largey, Maxwell, Mitchell, Murray, MacGinniss, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Witmer.—34.

Noes: Brewster, Berkin, Byrnes, Clayberg, Cluston, Crouch, Cummings H. T., Derry, Duncan, Eliel, Gibson, Giovanetti, Groff, Hanifen, Hayes, Lehrkind, Lowney, McCoy, Norton, O'Donnell, Pierson, Swick, Warren, White, Mr. Speaker.—25.

Absent and not voting: Christler, Crutchfield, Dowling, Harbert, Hunter, Hutchinson, Metzel, Whaley, Werner, Wilham, Wood, Woody.—12. Total, 71.

Title agreed to as amended.

Amendment to Title to H. B. No. 77.

Mr. Speaker:

I move to amend the title by striking out the word "wife" and inserting in lieu thereof the word "woman."

GRAY.

H. B. No. 127 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, White, Witmer, Mr. Speaker.—53.

Noes: Coit.—1.

Absent and not voting: Bogart, Cluston, Crutchfield, Dowling, Edgerton, Harbert, Hunter, Largey, Maxwell, Metzel, Mitchell, Roy, Whaley, Werner, Wilham, Wood, Woody.—17. Total, 71.

Title approved.

H. B. No. 88 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Metzel, Murray, McGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, White, Witmer, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Burke, Cluston, Crutchfield, Dowling, Edgerton, Harbert, Hunter, Largey, Lehrkind, Maxwell, Mitchell, O'Donnell, Whaley, Werner, Wilham, Wood, Woody.—17. Total, 71.

Title approved.

H. B. No. 23 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Arnett, Brewster, Burke, Butzerin, Byrnes, Christler, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, White, Witmer, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Berkin, Clayberg, Cluston, Crutchfield, Dowling, Frank, Harbert, Hunter, Largey, Lehrkind, Mitchell, Safley, Warren, Whaley, Werner, Wilham, Wood, Woody.—18. Total, 71.

Title agreed to.

H. B. No. 10 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, White, Witmer, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Cluston, Crutchfield, Dowling, Eliel, Frank, Garber, Harbert, Hunter, Largey, Maxwell, Mitchell, Pierson, Safley, Warren, Whaley, Werner, Wilham, Wood, Woody.—19. Total, 71.

Title agreed to.

### THIRD READING OF SENATE BILLS.

S. B. No. 87 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Witmer, Mr. Speaker.—54.

Noes: White.—1.

Absent and not voting: Cluston, Crutchfield, Dowling, Frank, Harbert, Hunter, Jacobson, Largey, Maxwell, Mitchell, Safley, Whaley, Werner, Wood, Woody, Wilham.—16. Total, 71.

Title concurred in.

Mr. Speaker:

I move a reconsideration of the vote by which H. B. No. 147, relating to the creation of the County of Musselshell, was placed on General

Orders and under the control of the Steering Committee.

BERKIN.

Motion carried.

Recess until 2 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call: Quorum present.

Senate Bill No. 34 on motion was placed on General Orders.

On motion the Senate was requested to return S. B. No. 34 to the House.

On motion of Woody, H. B. No. 165 was placed on General Orders.

#### RESOLUTIONS.

The following Joint Resolution was placed under suspension of the Rule.

Senate Joint Resolution introduced by Donlan.

WHEREAS; it is the desire of a large number of the Senators and Representatives of the Eleventh Legislative Assembly to visit Butte, Missoula and Hamilton in the next few days:

NOW, THEREFORE BE IT RESOLVED, The House concurring that the Eleventh Legislative Assembly stand adjourned from this evening, February 18, until Tuesday, February 23, at the hour of 2:30 P. M.

Mr. Speaker:

I move that House Bill No. 286, which was yesterday reported indefinitely postponed, by the Committee on State Institutions be printed.

McCOY.

Carried.

Mr. Speaker:

I move to reconsider the vote of yesterday on third reading and final passage on S. B. No. 34, a bill for an Act prohibiting marriage between White Persons and Negroes, Persons of Negro Blood, and between White Persons, Chinese and Japanese, and making such marriage void: and prescribing punishment for solemnizing such marriages.

ROY.

Motion carried. 27 for, 18 against.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Steering Committee, beg leave to report S. B. 34 on General Orders for to-day.

MacGINNISS.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 206, introduced by Kilgallon, a bill for an Act entitled, "An Act appropriating money for the payment of money due the State Veterinary under the law," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 248, introduced by Christler, a bill for an Act entitled, "An Act to appropriate Two Hundred and Fifty Dollars for the payment of the deficiency claim of Dr. D. S. McKensie, for service as Meat and Milk Inspector, in Chouteau County, from December 1, 1904 to March 31, 1905, inclusive," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 242, introduced by Cummings, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of account of Capitol Building and Grounds, Maintenance and Care," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 319, introduced by Harbert, a bill for an Act entitled, "An Act for the appropriation of money to pay the claim of a certain person for the services rendered as Meat and Milk Inspector in Flathead County during the years 1906 and 1907," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 321, introduced by Harbert, a bill for an Act entitled, "An Act to appropriate the sum of Five Hundred and Seventy Dollars, to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the County Clerk of Teton County, Montana, during the year 1908," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations to whom was referred H. B. No. 119, introduced by Committee on Live Stock and Public Ranges, a bill for an Act entitled, "An Act making appropriations for the protection of the Live Stock Industry in the State of Montana, and to defray the expenses incurred therefor for the fiscal years ending November 30, 1909 and November 30, 1910, having had same under consideration,

recommend that the same be indefinitely postponed, same being covered by the General Appropriation Bill.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on State Lands having had under consideration S. B. No. 85, introduced by McCarthy, a bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands and use of the Agricultural Experiment Station with a department of the Montana Agricultural College at Bozeman, Montana," beg leave to report the same back to the House with the recommendation that it be concurred in.

CLUSTON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on State Lands having had under consideration H. B. No. 225, introduced by Jacobson, a bill for an Act entitled, "An Act to amend Sections 2268, 2271 and 2272 of the Revised Codes of Montana of 1907, relating to the Reclamation and Settlement of Arid Lands. Selected by the State under the provisions of the Act of Congress, commonly known as the "Carey Act," approved August 18, 1894, and to repeal Section 2270 of the Revised Codes of Montana of 1907," beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

CLUSTON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on State Lands having had under consideration H. B. No. 332, introduced by Jacobson, a bill for an Act entitled, "An Act to repeal Section 2270 of the Revised Codes, relative to entry, settlement and forfeiture of lands reclaimed by the State under the "Carey Land Act," beg leave to report the same back to the House with the recommendation that it do pass.

CLUSTON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 353, introduced by the Committee on Live Stock and Public Ranges, a bill for an Act entitled, "An Act to regulate the shipment of Live Stock into this State, providing for the inspection thereof, and the issuance of test charts and health certificates, and providing penalties for a violation thereof," beg leave to report the same back to the House with the recommendation that it do pass.

CROUCH, Chairman.

Report adopted.



February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 86, being a bill for an Act entitled, "An Act to provide for the payment of actual expenses of county assessments incurred in the performance of official duty," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be concurred in.

FRANK, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 339, being a bill for an Act entitled, "An Act to amend Section 6769 of the Revised Codes of the State of Montana, relating to new trials," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary to whom was referred H. B. No. 328, being a bill for an Act providing for the payment of expenses of State and County Officers, and fixing penalties for violations of this Act," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred S. B. No. 51, being a bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for positions of Coal Mine Inspector of the State of Montana and prescribe the qualifications of applicants, and prescribe the rights and duties and fixing the compensation of such Board of Examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana," beg leave to report the same back to the House with the recommendation that it be concurred in.

BYRNES, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred S. B. No. 50, being a bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana, relating to the powers and duties of the State Coal Mine Inspector," beg leave to report the same back to the House, with a recommendation that it be concurred in.

BYRNES, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred S. B. No. 52, being a bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around Coal Mines, prescribing their duties and term of office and providing for the salaries of such Boards, beg leave to report the same back to the House with a recommend that it be concurred in.

BYRNES, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Insurance, to whom was referred S. B. No. 67, introduced by Long, being a bill for an Act entitled, "An Act to prevent discrimination by surety companies," having had the same under consideration, recommend that it be concurred in with the following amendments:

That Section 1 be amended in the 3rd line after the word "therein" by inserting the following: "and doing business in said State", also in the 3rd line after the word "provide" by striking out the rest of the section and inserting in lieu thereof, "all necessary bonds or undertakings for all residents of said State who shall make application therefor, and to furnish all such bonds or undertakings to all such applicants upon the same terms and conditions and without discrimination."

Also amend Section 2 in line 8, after the word "such" by making it read "bond or", also in line 12 after the word "reasons" by inserting the words "and that a written statement of such reasons had been theretofore furnished to said applicants as hereinbefore required."

Also amend Section 3 in line 6, after the word "any" by inserting the word "such" and in the last line Section after the word "One Thousand Dollars" add, "provided, however, nothing herein shall be so construed as to deprive either party to such proceedings of the right of trial of any question of fact therein, by a jury".

Also amend Section 4 in line 3 by changing the word "any" to "an" and after the word "action" in line 4 change so that it will read "may be taken by the petitioner of the surety company to the Supreme Court but such appeal must be taken within sixty days after the same shall have been entered."

LEHRKIND, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Military Affairs, having had under consideration H. B. No. 297, introduced by Pierson, being a bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, of 1907, providing, suitable burial for deceased soldiers, sailors and marines", recommend that the same do pass.

COIT, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Military Affairs, having had under consideration H. B. No. 324, introduced by Norton, being a bill for an Act entitled, "An Act relating to Public Schools and providing for the Exclusion therefrom of children of Mongolians, Chinese or Japanese Parentage or descent," recommend that the same be indefinitely postponed.

COIT, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Insurance, to whom was referred No. 56, introduced by Meyer, being a bill for an Act entitled, "An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for Coal miners and Employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act," having had same under consideration recommend that it be concurred in.

LEHRKIND, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration H. B. No. 213, entitled, A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coal and to provide for payment for loss of coal in transit," respectfully report back a substitute to the House, at the request of Mr. Brewster, and recommend that said substitute do pass.

PIERSON, Chairman.

Report adopted.

Mr. Speaker:

February 18, 1909.

Your Committee on Railroads and Transportation having had under consideration No. 64, entitled "A bill for an Act to amend Section 4308 of the Revised Codes of 1907, relating to the killing of live stock by Railway Corporations, respectfully report the same back to the House and recommend that it be not concurred in.

PIERSON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 284, being: A bil for an Act entitled, "An Act to amend an Act to determine the liability of persons or carporations operating railways or railroads in this State for damages sustained by employees thereof, and to declare void contracts restricting such liability," having had said bill under consideration beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:

Amend the title of said bill to read: "A bill for an Act entitled: An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this State for damages sustained by employees thereof, and to declare void contracts restricting such liability, which Act was approved on January 16, 1905, and to provide for the determination of the liability to persons and corporations operating railways and railroads in this State for damages sustained by employees thereof, and the heirs and personal representatives of such employees in case of death and to declare void contracts restricting such liability."

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 34, being: A bill for an Act entitled, "An Act to amend Sections 8582, 8583 and 8585 of the Revised Codes of the State of Montana of 1907, relating to the carrying of concealed weapons," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be amended as follows:

Amend Section 1 by striking out the words "shall be punished by imprisonment in the city jail not more than ninety days," and inserting in lieu thereof the words "shall be guilty of a misdemeanor."

Amend Section 2 of said bill by striking out the words "and shall be punished by imprisonment in the county jail for not less than ten, nor more than sixty days."

Amend Section 3 of said bill by striking out the words "shall be punished by imprisonment in the county jail for not less than thirty days nor more than ninety days," and inserting in lieu thereof the words "shall be guilty of a misdemeanor."

And that as said bill has already been printed the same be placed upon General Orders and the foregoing amendments be made in the Committee of the Whole, and that as amended the same do pass.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 217, being: A bill for an Act to authorize Public Administrators to require statements from persons and corporations having in their possession or control money, or other personal property, belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred dollars, having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass, after being amended as follows:

Amend said H. B. No. 217, by inserting the following sections therein:

Section 6. Upon the filing of such report the Clerk of the Court must make an order fixing a day for the hearing of the report, giving notice thereof by the posting of notices in three public places in the

county for a period of ten days before the date of hearing, at which hearing any and all persons interested therein may appear and object to such report, or to any of the matters contained therein.

Section 7. Upon such hearing the Court may make such orders with reference to such report as may be necessary and proper.

Also amend said bill by changing the numbers of Sections 6, 7 and 8, as appear in said bill, to read respectively Sections 8, 9 and 10.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 137, being: "A bill for an Act to amend Sections 8582 and 8585 of the Revised Codes of Montana, of 1907, relating to the carrying of concealed weapons in cities and towns, and in places of public resort," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed, for the reason that the subject is covered by H. B. No. 34.

FRANK, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No 347, introduced by Gray: A bill for an Act entitled, "An Act providing for the appropriation of Eight Thousand Dollars from the Fish and Game Fund of the State of Montana to be used for the purchase of pheasants and such other game birds as may be adapted for the State of Montana and for the distribution of such birds among the various counties," having had the same under consideration recommend that the same be referred to the Fish and Game Committee.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 346, introduced by Woody, A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue Bonds provided for by an Act entitled, 'An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners, for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various State Educational Institutions,' approved 1st, 1907, having had the same under consideration, recommend that the same do pass.

KILGALLON, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Insurance, to whom was referred H. B. 360, being: A bill for an Act entitled, "An Act to permit foreign surety companies to do business in this State, and regulating the methods thereof," having had same under consideration, recommend that it do pass.

LEHRKIND, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report the following bills as properly engrossed: House Bills 133, 136, 143, 148, 161, 166, 172, 190, 198, 200, 203, 234, and S. B. No. 70, and also Concurrent Resolution No. 2.

WARREN, Chairman.

## MESSAGES FROM THE GOVERNOR AND SENATE.

February 18, 1909.

The Speaker of the House of Representatives,

House of Representatives, Helena, Montana:

I have the honor to advise you that the following bills have been approved and deposited with the Secretary of State:

H. B. 31.—An Act to declare and make the twelfth day of October of each and every year a public holiday, to be known as Columbus Day.

Sub. for H. Bs. 2 and 102.—An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same.

H. B. 123.—An Act to amend Section 1815 of the Revised Codes of Montana, of 1907, relating to the record of horses and other live stock sold at public markets.

H. J. M. 4.—In reference to the opening of Crow Reservation.

H. B. 58.—An Act to amend Sections 1287, 1288, 1295 of the Revised Codes of Montana relating to the Soldiers' Home.

EDWIN L. NORRIS, Governor.

February 19, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that Senate Bill No. 34 is herewith returned as requested.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker:

February 18, 1909.

I am directed by the Senate to inform your Honorable body that Senate Joint Resolution No. 5, having been read a third time and adopted, is herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.



House resolved itself in Committee of the Whole.  
Berkin in the Chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Bill No. 60, being a bill for an Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana of 1907 relating to the Designation of Pioneer Day, Filing of Essays, and Course of Exercises, beg leave to report having had same under consideration and recommend the same be concurred in as amended by the House.

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 96, being a bill for an Act to establish a Legislative Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to provide for the maintenance thereof, beg leave to report having had the same under consideration and recommend the same do pass as amended.

Also S. B. No. 34: A bill for an Act prohibiting marriage between White Persons and Negroes, Persons of Negro Blood, and between White Persons, Chinese and Japanese, and making such marriage void; and prescribing punishment for solemnizing such marriages, beg leave to report having had the same under consideration and recommend the same be concurred in as amended:

Amend said S. B. No. 34 by striking out the whole of Section 4 thereof, and inserting in lieu thereof the following:

Section 4. Every such marriage mentioned in either of the foregoing sections which may be hereafter contracted or solemnized without the State of Montana by any person, who has, prior to the time of contracting or solemnizing said marriage been a resident of the State of Montana, shall be null and void within the State of Montana.

Also H. J. Resolution No. 8, relating to the Polytechnic Institute at Billings, Montana, beg leave to report having had the same under consideration and recommend the same do pass.

All reports of the Committee of the Whole were adopted, except that part relating to S. B. No. 34.

Roll call was taken on the adoption of the report of the Committee of the Whole, relating to S. B. No. 34, and the report was adopted by the following vote:

Ayes: Allen, Bogart, Berkin, Burke, Byrnes, Crouch, Cummings T. A., Duncan, Elliott, Frank, Garber, Giovanetti, Groff, Hanifen, Hayes, Hutchinson, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Wood, Woody, Mr. Speaker.—36.

Noes: Arnett, Brewster, Butzerin, Clayberg, Coit, Connelly, Cummings H. T., Derry, Gibson, Gray, Hall, Hammond, Hunter, Jacobson, Kilgallon, King, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer.—26.

Absent and not voting: Christler, Cluston, Crutchfield, Dowling, Edgerton, Eliel, Harbert, Kelsey, Maxwell.—9. Total, 71.

On Motion of Norton, House resolved itself into Committee of the Whole.

Wood in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 233, being: A bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana of 1907, relating to witnesses," beg leave to report having had the same under consideration and recommend the same do pass.

Also, Senate Amendment to H. B. No. 242, being: A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the Chaplain of the Soldiers' Home," recommend that Senate amendment be concurred in.

Also, Senate Amendment to H. B. No. 40, being: A bill for an Act to amend Sections 2054 and 2055 of the Revised Codes of Montana of 1907, relating to the letting of contracts by the County Commissioners for the care, support and maintenance of the County Poor, beg leave to report having had the same under consideration and recommend the amendments by the Senate be concurred in.

Also, H. B. No. 89, being: A bill for an Act entitled, "An Act to prevent the assignment of wages already earned or to be earned in the future; and to secure boarding house keepers, lodging house keepers, hotel keepers and merchants for necessities furnished," beg leave to report having had same under consideration and recommend that the enacting clause be stricken out.

Also, H. B. No. 170: A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license, beg leave to report having had the same under consideration and recommend that the enacting clause be stricken out.

Amend Section 4 by striking out in lines 12 and 13 the words "its passage and approval" and inserting in lieu thereof the words "March 31st, 1909."

Also, H. B. No. 241: A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices," beg leave to report having had the same under consideration and recommend the same do pass.

Report adopted on the following roll call:

Ayes: Allen, Arnett, Berkin, Burke, Byrnes, Clayberg, Crouch, Edgerton, Eliel, Elliott, Frank, Giovanetti, Hall, Hammond, Hayes, Kilgallon, King, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Smith, Ward, Warren, White, Witmer, Mr. Speaker.—32.

Noes: Brewster, Butzerin, Coit, Connelly, Cummings T. A., Derry Gibson, Gray, Groff, Harbert, Hunter, Hutchinson, Jacobson, Metzel, McCoy, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Werner, Wood, Woody.—25.

Absent and not voting: Bogart, Christler, Cluston, Crutchfield, Cummings H T, Dowling, Duncan, Garber, Hanifen, Kelsey, Largey, Maxwell, Whaley, Wilham.—14. Total, 71.

On motion House recessed until 8 P. M.

#### EVENING SESSION.

House met pursuant to recess at 8 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

#### NOTICES OF INTRODUCTION OF BILLS.

Clayberg: A bill for an Act entitled, "An Act guaranteeing Bank Deposits."

#### REPORTS OF STANDING COMMITTEES.

February 18, 1909.

Mr. Chairman:

We, your Committee on Engrossing, beg to advise that H. Bs. Nos. 47, 97 and 201 properly engrossed.

WARREN, Chairman.

February 18, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 359, introduced by the Committee on Banks and Banking, relating to Bank and Banking and providing for the creation of a surplus fund, recommend that the same do pass.

LARGEY, Chairman.

#### MOTION.

Mr. Speaker:

I move you that S. B. No. 2 now on General Orders be re-referred to the Committee on State Institutions, Public Buildings and Grounds.

DUNCAN.

Carried.

February 18, 1909.

Mr. Speaker:

We, the majority members of the Committee on Affairs of Cities having had under consideration H. B. No. 356, introduced by Berkin, A bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibith the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which Act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when

such bets or wagers may be made, reported, recorded or registered, and providing penalties for the breach of the same," recommend the bill do pass with the following amendment:

In Section 2, line 2, after the words "calendar year" insert the following: "in any county of the First Class and whenever, during fourteen days, whether consecutive or not, in any calendar year, in any County not a County of the First Class."

BURKE, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker.

We, the minority members of the Committee on Affairs of Cities, having had under consideration H. B. No. 356, introduced by Berkin, a bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which Act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same," report back to the House with a recommendation that the bill be indefinitely postponed.

SHAW,  
CONNELLY.

Lost.

February 18, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 351, introduced by Allen, A bill for an Act entitled, "An Act concerning minors playing on billiard and pool tables," report the same back to the House with the recommendation that it do pass.

BURKE, Chairman.

Adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration S. B. No. 99, introduced by Cockrell, by request, being a bill for an Act entitled, "An Act to amend Section 2047 of the Revised Codes of Montana of 1907, relating to Local Option," recommend that the same be concurred in.

EDGERTON,  
LEHRKIND,  
O'DONNELL,  
MacGINNISS.

Report adopted.

February 18, 1909.

Mr. Speaker:

I hereby give notice that on tomorrow or some subsequent day I will introduce a bill for "An Act to amend Section 2773 of the Political Code, Revised Codes of Montana of 1907, relating to classification of licenses of telephone, telegraph, electric light, gas and water companies."

BURKE.

February 18, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 338, introduced by the Committee on Education, being: A bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 11 of Article IX of the Constitution, relating to the qualifications of officers, and authorizing the Legislative Assembly to prescribe the qualifications for the offices of County Superintendent of Schools and Superintendent of Public Instruction," recommend that the same do pass.

McCOY, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Labor, to whom was referred H. B. No. 310, introduced by Shoemaker, and being: A bill for an Act entitled, "An Act relating to Trusts, Monopolies and Unlawful Contracts and Combinations in Restraint of Trade, Commerce, and Transportation Facilities and fixing the punishment for infractions of the provisions thereof," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

HAYES, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 275, 276, 158, 165 and House Joint Resolution No. 5, correctly printed.

O'DONNELL, Chairman.

February 18, 1909.

Mr. Speaker:

We, your Committee on Labor, to whom was referred H. B. No. 335, introduced by Clayberg, being a bill for an Act entitled, "An Act regulating the labors of jailers in counties of the first, second and third classes and amending Section 3119 of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs and the salary to be paid the latter," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

HAYES, Chairman.

Report adopted.



February 18, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 292, introduced by Maxwell, being: A bill for an Act entitled, "An Act to enable qualified voters to vote by mail," recommend that the same be indefinitely postponed.

McCOY, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

We, your Committee on Labor, to whom was referred H. B. No. 350, introduced by Roy, being: A bill for an Act entitled, "An Act for the protection of employees, discharged from their employment, and providing penalties for the violation of the same," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

HAYES, Chairman.

Report adopted.

February 18, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, having had under consideration S. B. No. 89, being: An Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana, 1907, relating to the duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection, recommend the same be concurred in.

OWENHOUSE, Chairman.

Report adopted.

#### MESSAGES FROM THE SENATE.

The following messages were received:

February 18, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that having read a third time and concurred in Sub. for H. Bs. 65 and 113, it is herewith returned.

NATHAN GODFREY, Secretary.

February 18, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that S. Bs. Nos. 49, 90, 91, 92, 95, 105, 100, and 111 were this day read a third time and passed and are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

#### READING OF SENATE BILLS.

The following Senate Bills were read a first and second time and referred:

S. B. No. 49, by Donlan, A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to Tax Deeds, and to



fixe the limit of time in which actions to set aside or annul tax deeds may be brought.

In the House, read first and second time and referred to Judiciary Committee.

S. B. No. 90, by Everett: A bill for an Act to amend Sections 4256, 4257, 4262, 4264 and 4266 of the Revised Codes of Montana of 1907, relating to Cemetery Associations.

In the House, read first and second time and referred to Committee on Sanitary Affairs.

S. B. No. 91, by McDonnell: A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer and pay over to him moneys by them collected under authority of law, at least once each month or when directed by the State Board of Examiners."

In the House, read first and second time and referred to Committee on State Boards and Officers.

S. B. No. 92, by McDonnell: A bill for an Act entitled, "An Act to amend Section 188 of the Revised Codes of Montana of 1907, relating to Quarterly Report of the State Treasurer."

In the House, read first and second time and referred to Committee on Printing.

S. B. No. 95, by Cockrell: A bill for an Act entitled: "An Act providing that the Coroner of the county wherein the State Prison is located may hold an inquest over the body of deceased prisoners, and providing for the expenses of such inquest."

In the House, read first and second time and referred to Committee on Sanitary Affairs.

S. B. No. 100, by Cardwell: A bill for an Act to amend Section 1171 of the Revised Codes of Montana of 1907, relating to the admission, care and retention of persons and children in the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana.

In the House, read first and second time and referred to Committee on State Institutions.

S. B. No. 105, by Cowgill: A bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of the State of Montana, relative to Registration of Births and Deaths."

In the House, read first and second time and referred to Committee on Sanitary Affairs.

S. B. No. 111, by Edwards: A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime; to employ or authorize the employment of Stock Inspectors, and to employ, or authorize the employment of Special Counsel in criminal actions and in actions in which the County is a party."

In the House, read first and second time and referred to Committee on Judiciary.

## READING OF HOUSE BILLS.

The following bills were today introduced, read first and second time and referred:

H. B. No. 362, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 363, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim on account of the Montana State Normal School."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 364, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of taxes over paid the State of Montana in error in the year 1908."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 365, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 366, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 367, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim for a certain person on account of supplies furnished the State Fish Hatchery at Anaconda, Mont."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 368, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services furnished the Montana State Fair Association during the year 1908."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 369, by Whaley: A bill for an Act to amend Section 4845 of the Revised Code of the State of Montana, relating to priority of Water Rights from the streams of this State.

Read first and second time and referred to Committee on Irrigation and Water Rights.

## THIRD READING OF HOUSE BILLS.

H. B. No. 133 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Connelly, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Harbert, Hutchinson, Kelsey, Kilgallon, King, Largey, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—54.

Absent and not voting: Byrnes, Cluston, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Gibson, Hammond, Hunter, Jacobson, Lehrkind, Lowney, Pierson.

Clayberg moved that H. B. No. 241 be considered engrossed and placed on third reading.

Motion lost.

Substitute House Bill No. 136 was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—55.

Absent and not voting: Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Mitchell, Pomeroy, Safley, Witmer, Wood.—16. Total, 71.

Title amended as follows, by Werner: Add thereto the words, "To regulate sanitary conditions and to provide for the enforcement of the provisions of this Act."

H. B. No. 143 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Edgerton, Eliel, Elliott, Gray, Groff, Hammond, Hayes, Harbert, Jacobson, Kilgallon, King, Largey, Lehrkind, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Mr. Speaker.—43.

Noes: Duncan, Frank, Gibson, Hall, Hunter, Metzel, Shaw, Whaley, Wilham, Woody.—10.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Garber, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Pomeroy, Safley, Witmer, Wood.—18. Total 71.

Title agreed to.

H. B. No. 148 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Gray, Groff, Hall, Hamond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Mitchell, Murray, McCoy, Norton, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, MacGinniss, O'Donnell, Pomeroy, Safley, Witmer, Wood.—19. Total, 71.

Title approved.

H. B. No. 161 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Mitchell, Pomeroy, Safley, Witmer, Wood.—19. Total, 71.

Title approved.

H. B. No. 166 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Crouch, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Lehrkind, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—50.

Noes: None.

Absent and not voting: Butzerin, Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Giovanetti, Hanifen, Hutchinson, Kelsey, Largey, Lowney, Maxwell, Pomeroy, Safley, Witmer, Wood.—21. Total, 71.

Title approved.

Sub. for H. B. 132 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Gray, Groff, Hall, Hammond, Hayes, Har-

bert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Pomeroy, Safley, Witmer, Wood.—17. Total, 71.

Title approved.

H. B. No. 100 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Elliott, Frank, Garber, Gibson, Gray, Groff, Hammond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Mitchell, MacGinniss, Pierson, Shaw, Smith, Thompson, Swick, Ward, Whaley, White, Woody, Mr. Speaker.—38.

Noes: Derry, Duncan, Edgerton, Eliel, Hall, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Roy, Shoemaker, Werner, Wilham.—15.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Pomeroy, Safley, Warren, Witmer, Wood.—18. Total, 71.

Title approved.

H. B. No. 200 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Gibson, Giovanetti, Hanifen, Hutchinson, Kelsey, Lowney, Maxwell, Pomeroy, Safley, Thompson, Witmer, Wood.—19. Total, 71.

Title approved.

H. B. No. 203 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Gray, Groff, Hall, Hammond, Hayes, Hunter, Jacobson, Kilgallon, King, Largey, Lehrkind, Metzel, Mitchell, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Warren, Ward, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—48.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cum-



mings H. T., Cummings T. A., Dowling, Garber, Gibson, Giovanetti, Hanifen, Harbert, Hutchinson, Kelsey, Lowney, Maxwell, Murray, MacGinniss, Owenhouse, Pomeroy, Safley, Witmer, Wood.—23. Total, 71.

Title approved.

H. B. No. 198 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Frank, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Largey, Lehrkind, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—46.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Garber, Gibson, Giovanetti, Hanifen, Hutchinson, Kelsey, Kilgallon, King, Lowney, Maxwell, MacGinniss, Owenhouse, Pomeroy, Safley, Shoemaker, Witmer, Wood.—25. Total, 71.

Title approved.

House Concurrent Resolution No. 2 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Frank, Garber, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Largey, Lehrkind, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Smith, Swick, Ward, Whaley, Werner, White, Woody, Mr. Speaker.—43.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Gibson, Giovanetti, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, MacGinniss, Owenhouse, Pomeroy, Safley, Shoemaker, Thompson, Warren, Wilham, Witmer, Wood.—28. Total, 71.

Title agreed to.

H. B. No. 234 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Garber, Gibson, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Largey, Lehrkind, Metzel, Mitchell, McCoy, Norton, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Wood, Woody, Mr. Speaker.—45.

Noes: None.

Absent and not voting: Byrnes, Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Frank, Giovanetti, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, Murray, MacGinniss, O'Donnell, Owenhouse, Pomeroy, Safley, Witmer.—26. Total, 71.

Title agreed to.



H. B. No. 47 with Senate amendments read a third time and amendments concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Garber, Gibson, Gray, Groff, Hall, Hammond, Harbert, Hunter, Largey, Lehrkind, Metzel, Mitchell, Murray, McCoy, Norton, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Whaley, Werner, White, Wood, Woody, Mr. Speaker.—41.

Noes: None.

Absent and not voting: Christler, Clayberg, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Frank, Giovanetti, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, MacGinniss, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Swick, Warren, Wilham, Witmer.—30. Total, 71.

Title approved.

H. G. No. 301 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Garber, Groff, Hall, Hammond, Harbert, Hunter, Largey, Lehrkind, Metzel, Mitchell, Murray, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Wood, Woody, Mr. Speaker.—42.

Noes: None.

Absent and not voting: Brewster, Christler, Clayberg, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Frank, Gibson, Giovanetti, Gray, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, MacGinniss, Owenhouse, Pomeroy, Safley, Warren, Witmer.—29. Total, 71.

Title approved.

S. B. No. 70 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Derry, Duncan, Edgerton, Eliel, Garber, Groff, Hall, Harbert, Hunter, Lehrkind, Metzel, Murray, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wood, Woody, Mr. Speaker.—41.

Noes: None.

Absent and not voting, Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Elliott, Frank, Gibson, Giovanetti, Gray, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Mitchell, MacGinniss, Owenhouse, Pomeroy, Safley, Shoemaker, Wilham, Witmer.—30. Total, 71.

Title concurred in.

S. B. No. 60 read a third time and concurred in by the following vote:

Ayes: Allen, Bogart, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Duncan, Edgerton, Eliel, Garber, Gibson, Groff, Hall, Hammond, Harbert, Hunter, Lehrkind, Metzel, Mur-

ray, McCoy, Norton, O'Donnell, Pierson, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wood, Woody, Mr. Speaker.—41.

Noes: None.

Absent and not voting: Christler, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Elliott, Frank, Giovanetti, Gray, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Mitchell, MacGinniss, Owenhouse, Pomeroy, Safley, Shoemaker, Wilham, Witmer.—30. Total, 71.

Title concurred in.

February 19, 1909.

Mr. Speaker:

I hereby give notice that I will on tomorrow propose a change in the Rules of the House, as follows: All bills shall be read at length at third reading. This rule shall not be suspended.

ELIEL.

On motion, House adjourned until 2.30 P. M. Tuesday, February 23rd, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fifty-First Day.

Helena, Montana, February 23rd, 1909.

House met pursuant to adjournment at 2:30 P. M.

Mr. Speaker and Speaker Pro Tem. being absent, the Chief Clerk called the House to order.

The House then selected Maxwell of Dawson as Speaker Pro Tem.

Speaker Pro Tem. Maxwell then took the chair.

Prayer by Chaplain.

Roll call. Quorum present.

On motion of Warren, House recessed until 8 P. M.

### EVENING SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Steering Committee beg leave to report the following list as General Orders for February 23rd as follows: H. Bs. 243, 254, 256, 141, 170, 165, 253, 223, 259 and 61, Sub. H. Bs. 237, 214, 209, 171, 111, 45, 280, 281.

JOHN MacGINNISS.

February 18, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report the following amendments to S. B. No. 30 and H. Bs. 91, 94, 215, 218, 220 and 222 as properly engrossed.

WARREN, Chairman.

February 23, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. Bs. Nos. 40, 42, 77, 96, 97, 233, and 241, also House Joint Resolution No. 8, as correctly engrossed.

BERKIN, Chairman.

February 23, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report amendments to S. Bs. Nos. 34 and 67 as correctly engrossed.

BERKIN, Chairman.

February 23, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 19, 27, Sub. 52, 92, 163, 196, Sub. 205, 206, Sub. 210, Sub. 213, 217, 226, 238, 240, 242, 248, Sub. 251, 257, 258, Sub. 261, 267, 268, 269, 270, 272, 273, 277, 279, 282, 283, 284, 286, 289, 293, 294, 295, 296, 297, 298, 304, 306, 308, 310, Sub. 314, 317, 319 320, 321, 322, 326, 332, 338, 339, 342, 343, 346, 350, 351, 352, 356, 359, 360, H. J. Res. 6 and H. Con. Res. 7, correctly printed.

O'DONNELL, Chairman.

**MOTIONS.**

Mr. Speaker:

I move that H. B. No. 143, which has been sent to the Senate, be recalled and re-referred to the Printing Committee, as an amendment which I offered and which was adopted was inserted in the wrong place.

CLAYBERG.

**INTRODUCTION AND READING OF BILLS.**

The following bills were today introduced, read first and second time and referred:

H. B. No. 370, by Clayberg (by request): "Being a bill for an Act entitled, "An Act to punish persons who knowingly harbor and keep vicious dogs and providing for compensation for injuries to persons or property."

Referred to Committee on Conservation of Resources.

H. B. No. 371, introduced by Harbert: Being, a bill for an Act entitled, "An Act amending Section 3214 of the Revised Codes of Montana, relating to the extension of Corporate Limits of Cities and Towns over contiguous platted tracts."

Referred to Committee on Affairs of Cities.

H. B. No. 372, introduced by Derry: Being a bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties,

fixing his compensation and abolishing the office of Road Supervisor in Counties of the First Class.

Referred to Committee on Highways.

H. B. No. 373, by Woody: Being a bill for an Act entitled, "An Act to provide for the taxation of mortgages of Personal Property."

to provide for the taxation of mortgages of Personal Property."

Referred to Committee on Judiciary.

#### MESSAGES FROM THE SENATE.

February 18, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notice of the introduction of a bill was this day given as follows:

By Committee on Privileges and Elections: A bill for an Act to provide for ascertaining the duties of the Electors of the State of Montana, of a Candidate for Senator in Congress for Montana for each political party in the said State.

Respectfully,

NATHAN GODFREY, Secretary.

February 18, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. 118, by Donlan: A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana, by a legally qualified physician and surgeon, to be designated and paid out of the General Fund by the Board of County Commissioners of each County, the designation of such physician and surgeon to be approved by the State Board of Health."

Referred to Committee on Education.

S. B. 119, by Albright: A bill for an Act entitled, "An Act to provide an additional Judge for the Fifth Judicial District of the State of Montana, so that there will hereafter be two Judges in said District."

Referred to Judiciary Committee.

S. B. No. 120, by Kessler: A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of Deputy Clerks and Sheriffs."

Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,

NATHAN GODFREY, Secretary.

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bills were introduced, read first and second time and referred:

S. B. No. 121, by Annin: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, relating to Salaries of Deputies and Classification."

Referred to Committee on Counties, Towns and Municipal corporations.

S. B. No. 122, by Committee on Elections and Privileges: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State."

Referred to Printing Committee.

S. B. No. 123, by Committee on Railroads and Transportation: A bill for an Act entitled, "An Act Regulating and Governing Contracts Relative to the Shipment of Live Stock, and the Giving of Notice or Claim for loss or damage thereto."

Referred to Printing Committee.

Senate Joint Resolution N. 6, by Long.

Referred to Committee on Federal Relations.

Respectfully,

NATHAN GODFREY, Secretary.

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills Nos. 87, 140, 156, 115, 107 and 118, having been read three several times and concurred in are herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Enacting Clause of House Bill No. 105 was this day stricken out by Committee of the Whole, and the bill is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Committee on Finance and Claims, to whom was referred H. B. No. 191, having recommended that it be not concurred in, and the report of the Committee having been adopted by the Senate, the bill is herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Substitute for No. 24 and 32 having been read three several times

and concurred in as amended is herewith returned for your concurrence in Senate amendments to the bill.

Respectfully,  
NATHAN GODFREY, Secretary

February 23, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills Nos. 63, 112, having been read three several times and passed are herewith transmitted for your concurrence.

Respectfully,  
NATHAN GODFREY, Secretary.

#### READING OF SENATE BILLS.

S. B. No. 63, by Kessler (by request): A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal Section 1580 of the Revised Codes of the State of Montana, relating to the Practice of Dentistry in this State."

Read first and second time and referred to Committee on Agriculture and Manufactures.

S. B. No. 112, by Truscott: A bill for an Act entitled, "An Act providing for the furnishing of blank books for the recording of stock subscriptions and contracts, and of articles of incorporation and stock certificates of water users associations organized under the National Reclamation Act, and prescribing the fees for such recording."

Read first and second time and referred to Committee on Irrigation and Water Rights.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 91 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Derry, Dowling, Edgerton, Eliel, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lowney, Maxwell, Metzel, Mitchell, Murray, O'Donnell, Owenhouse, Safley, Shoemaker, Thompson, Swick, Ward, Werner, Wilham, Witmer, Woody, Mr. Speaker.—47.

Noes: Crouch, Crutchfield, Duncan, Elliot, Garber, Lehrkind, Roy, Smith, Whaley.—9.

Absent and not voting: Arnett, Byrnes, Cummings T. A., Frank, Gray, Groff, Kilgallon, Largey, McGinniss, Norton, Pierson, Pomeroy, Warren, White, Wood.—15. Total, 71.

Title approved.

H. B. No. 94 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber,



Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Woody, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Arnett, Cummings T. A., Frank, Gray, Kilgallon, Largey, Norton, Pierson, Pomeroy, Warren, White, Wood.—12. Total, 71.

Title approved.

H. B. No. 215 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Woody, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Arnett, Berkin, Cummings T. A., Frank, Gray, Kilgallon, Largey, Norton, O'Donnell, Pierson, Pomeroy, Warren, White, Wood.—14. Total 71.

Title agreed to.

H. B. No. 218 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Mr. Speaker.—57.

Noes: Woody.—1.

Absent and not voting: Arnett, Berkin, Cummings T. A., Frank, Gray, Kilgallon, Largey, Norton, Pierson, Pomeroy, Warren, White, Wood.—13. Total, 71.

Title approved.

H. B. No. 220 was read a third time and passed by the following vote:

Ayes, Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Roy, Safley, Shaw,

Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, Wilham, Witmer, Mr. Speaker.—56.

Noes: Derry, Woody.—2.

Absent and not voting: Arnett, Cummings T. A., Frank, Gray, Hutchinson, Kilgallon, Largey, Norton, Pierson, Pomeroy, Warren, White, Wood.—13. Total, 71.

Title approved:

H. B. No. 222 was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Harbert, Hutchinson, King, Lowney, Maxwell, MacGinniss, Roy, Shoemaker, Thompson, Swick, Ward, Werner, Wilham, Witmer, Mr. Speaker.—38.

Noes: Duncan, Eliel, Garber, Gibson, Groff, Hunter, Jacobson, Kelsey, Lehrkind, Mitchell, Murray, McCoy, Owenhouse, Safley, Shaw, Smith, Whaley, Woody.—18.

Absent and not voting: Arnett, Clayberg, Cummings T. A., Frank, Gray, Kilgallon, Largey, Mitchell, Norton, O'Donnell, Pierson, Pomeroy, Warren, White, Wood.—15. Total, 71.

Title agreed to.

Moved by Coit that Bills 248, 282 and 286 be placed on General Oreds.

Motion carried.

#### NOTICES OF INTRODUCTION OF BILLS.

By Christler: A bill for an Act entitled, "An Act to prescribe penalties for those living off the earnings of fallen women."

By Christler: A bill for an Act entitled, "An Act for the Publicity of Campaign Funds."

On motion of Edgerton the House resolved itself into Committee of the Whole for the consideration of General Orders.

Woody in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 243, a bill for an Act entitled, "An Act to provide for the assessment of live stock, creating a Migratory Stock Fund, and providing for the collection and distribution of taxes thereon," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 254: A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 256: A bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana of 1907, relative to the division of Cities and Towns into wards by city or town

councils," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 141: An Act to regulaté the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity, and to provide for the licensing of vendors of the same, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 170: A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license, beg leave to report having had same under consideration and recommend the same do pass.

Moved that when we do adjourn it will be until 10.30 tomorrow.

On motion adjourned until 10.30 A. M.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fifty-Second Day.

Helena, Montana, February 24, 1909.

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

Report of Steering Committee for February 24, 1909: S. Bs. 2, 31, 71, 89, 99, H. Bs. 346, 165, 223, 259, 61, 280, 281, 257, 213, 356, 100, 158, 163, Sub. H. Bs. 237, 214, 209, 171, 111, 45.

MacGINNISS, Chairman.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to who mas referred H. B. No. 367, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the State Fish Hatchery at Anaconda, Montana," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 364, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of taxes over

paid the State of Montana in error in the year 1908," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 366, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred H. Bs. Nos. 132 and 149, beg leave to report the same back to the House with the recommendation that action thereon be indefinitely postponed and in lieu thereof Committee Bill herewith presented as substitute for House Bills Nos. 132 and 149, being : A bill for an Act entitled, "An Act to amend Section 1711 of the Revised Codes of Montana of 1907, relating to the office of Mine Inspector and Deputy Mine Inspector, prescribing their qualifications and the method of determining the same and for the election of such officers," do pass.

BYRNES, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Conservation of Resources, having had under consideration H. B. No. 370, introduced by Clayberg, by request, being: A bill for an Act entitled, "An Act to punish persons who knowingly harbor and keep vicious dogs and providing for compensation for injuries to persons or property," respectfully return the same with the recommendation that it do pass.

CLAYBERG, Chairman.

Adopted.

February 17, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 208, introduced by Cummings, a bill for an Act entitled, "An Act for appropriating money for the Restoration and Maintenance of Old Fort Benton," having had the same under consideration, recommend that it do pass with the following amendment:

By inserting in lieu of the words "Two Thousand Dollars" in Section 1 the words "One Thousand Dollars."

KILGALLON, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration S. B. No. 95, introduced by Cockrell, being: A bill for an Act entitled, "An Act providing that the Coroner of the County wherein the State Prison is located, may hold an inquest over the body of deceased persons and providing for the expenses of such inquest," and respectfully recommend the following amendment:

Amend Section 1 by striking out in lines 3 and 4 of said Section the words "Chapter Two, Title Fourteen, Part Two of the Penal Code," and insert in lieu thereof "Section 9663 to 9675" inclusive of the Revised Codes of Montana of 1907, and with said amendment recommend that the bill be concurred in.

HAMMOND, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration S. B. No. 105, introduced by Cowgill, being: A bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of the State of Montana, relative to the registration of Births and Deaths," respectfully suggest that the title of said bill is faulty in the numbering of sections and the terms, and respectfully recommend the following amendment:

That the Title be amended to read "A bill for an Act entitled, An Act to amend 1766 of the Revised Codes of Montana, of 1907, relative to registration of births and deaths," that line First of Section First be amended to read that Section 1766 of the Revised Codes of Montana, 1907, and with these amendements respectfully recommend the bill be concurred in.

HAMMOND, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration H. B. No. 307, introduced by Smith, being: A bill for an Act entitled, "An Act to amend Section 1772, Revised Codes of Montana, relating to the reporting of births," and respectfully recommend that it do pass.

HAMMOND, Chairman.

Adopted.

February 24, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. B. No. 121 as correctly engrossed.

WARREN, Chairman.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No.

365, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 362, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 368, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered the Montana State Fair Association during the year 1908, having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 363, introduced by Committee on Appropriations, a bill for an Act appropriating money for the payment of deficiency claim on account of the Montana State Reform School, having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. B. No. 278 correctly printed.

O'DONNELL, Chairman.

On motion of Norton, House Bill 310 was placed under General Orders.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were today introduced, read first and second time and referred:

H. B. No. 374, by McCoy: A bill for an Act entitled, "An Act to amend Sections 613, 615 and 625 of the Revised Codes of Montana of 1907, relating to elections and voting where voting machines are used."

Referred to Committee on Privileges and Elections.



H. B. No. 375, by Burke: A bill for an Act entitled, "An Act to amend Section 2773 of the Political Code, Revised Codes of Montana, 1907, relating to Classification of Licenses of Telephone, Telegraph, Electric Light, Gas and Water Companies."

Referred to Committee on Affairs of Cities.

H. B. No. 376, by Christler: A bill for an Act to punish a man who through any means places or leaves his wife in a house of prostitution, or allows her to remain therein; and to make such a wife a competent witness; and to punish a person who procures a woman to enter a house for the purpose of prostitution; or accept any part of the earnings of a prostitute; and to prescribe penalties for its violation."

Referred to Committee on Affairs of Cities.

H. B. No. 377, by Edgerton, by request: A bill for an Act entitled, "An Act relating to public improvements in the Incorporated Towns and Cities, including the creation of Special Improvement Districts therein, for the extension of water mains, and the supplying of water to the inhabitants of such Special Improvement Districts."

Referred to Committee on Affairs of Cities.

H. B. 378, by Committee on Appropriations: A bill for an Act appropriating money for the payment of deficiency claims for the maintenance of the National Guard, authorized by the State Board of Examiners.

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 379, by Edgerton (by request): A bill for an Act entitled, "An Act to provide Public Play Grounds."

Referred to Committee on Affairs of Cities.

H. B. No. 380, by Committee on Education: A bill for an Act entitled, "An Act Prohibiting the Practice of Fortune Telling, Clairvoyancy, Palmistry and Astrology, and prohibiting the Publishing, Distributing or Circulating, or causing to be Published, Distributed or Circulated, any Dodgers, Circulars, Pamphlets or Advertisements by, for or on behalf of any person or persons for the purpose of advertising, or holding out such person as a fortune teller, clairvoyant, palmist or astrologist."

Referred to Committee on Education.

Substitute for H. B. No. 348, by Werner: A bill for an Act entitled, "An Act to prohibit school officers and employees and other persons from asking, instructing or ordering school pupils or other minors to solicit funds for any purpose, and providing penalties for the violation thereof."

Referred to Printing Committee.

### THIRD READING OF HOUSE BILLS.

H. B. No. 233 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hayes, Hunter, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pome-

roy, Roy, Shaw, Smith, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—49.

Noes: None.

Absent and not voting: Bogart, Christler, Cluston, Crutchfield, Derry, Dowling, Duncan, Edgerton, Eliel, Gray, Hammond, Harbert, Hutchinson, Largey, Mitchell, Owenhouse, Safley, Shoemaker, Thompson, Swick, Warren, Woody.—22. Total, 71.

Title agreed to.

H. B. No. 241 was read a third time and passed by the following vote:

Ayes: Arnett, Allen, Bogart, Berkin, Burke, Crouch, Dowling, Edgerton, Frank, Giovanetti, Hall, Hayes, Kilgallon, King, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Smith, Ward, Warren, White, Wilham, Mr. Speaker.—29.

Noes: Bogart, Butzerin, Coit, Connelly, Cummings H. T., Derry, Duncan, Elliott, Garber, Gibson, Groff, Hammond, Hanifen, Harbert, Hunter, Kelsey, Metzel, McCoy, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Werner, Wood, Woody.—28.

Absent and not voting: Byrnes, Christler, Clayberg, Cluston, Crutchfield, Cummings T. A., Eliel, Gray, Hutchinson, Jacobson, Largey, Maxwell, Whaley, Witmer.—14. Total, 71.

Title agreed to.

H. B. No. 96 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Burke, Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Werner, White, Witmer, Wood, Mr. Speaker.—50.

Noes: Gibson, Groff, Hunter, Owenhouse.—4.

Absent and not voting: Berkin, Christler, Cluston, Crutchfield, Cummings T. A., Eliel, Gray, Harbert, Hutchinson, King, Largey, Maxwell, Pomeroy, Smith, Whaley, Wilham, Woody.—17. Total, 71.

Title approved.

H. B. No. 97 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Christler, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinnis, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Bogart, Christler, Cluston, Crutchfield,

Eliel, Gibson, Gray, Harbert, King, Owenhouse, Shoemaker, Warren.—12. Total, 71.

Title approved.

H. B. No. 42 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, Wilham, Witmer, Wood, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Bogart, Burke, Christler, Cluston, Crutchfield, Dowling, Eliel, Frank, Gibson, Gray, Harbert, Largey, O'Donnell, Owenhouse, Whaley, White, Woody.—17. Total, 71.

Title approved.

Senate amendment to H. B. No. 40 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—55.

Noes: Berkin, Frank, Hunter, Kilgallon, Norton, O'Donnell, Pierson, Roy.—8.

Absent and not voting: Cluston, Crutchfield, Eliel, Gray, Hayes, Harbert, Whaley, Gibson, Largey.—9. Total, 71.

Title approved.

House Joint Resolution No. 8 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Christler, Cluston, Crutchfield, Eliel, Gibson, Gray, Hayes, Harbert, Hunter, Hutchinson, Largey, O'Donnell, Whaley, Werner.—14. Total, 71.

Title agreed to.

**THIRD READING OF SENATE BILLS.**

S. B. No. 34, as amended, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Coit, Cummings T. A., Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Hunter, Hutchinson, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinnis, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Smith, Ward, Warren, Wilham, Witmer, Wood, Woody.—42.

Noes: Butzerin, Connelly, Cummings H. T., Derry, Hall, Jacobson, Kelsey, Kilgallon, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Werner, White, Witmer, Mr. Speaker.—18.

Absent and not voting: Christler, Clayberg, Cluston, Crouch, Crutchfield, Eliel, Gibson, Gray, Harbert, Mitchell.—11. Total, 71.

Title approved.

On motion, House recessed until 2 o'clock.

**AFTERNOON SESSION.**

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

**REPORTS OF STANDING COMMITTEES.**

Report of Steering Committee for February 24, noon: House Bills 310 and 253.

Committee by

BYRNES,  
BURKE,  
CUMMINGS,  
MacGINNISS.

February 24, 1909.

Mr. Speaker:

Your Committee on Education, having had under consideration Senate Bill No. 97, introduced by Annin, being a bill for "An Act to amend Sections 825 and 846 of the Revised Codes of Montana of 1907 and providing for instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees, and providing for penalties for the failure to make such reports," recommend that the bill be concurred in.

HARBERT, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Education, having had under consideration No. 348, introduced by Werner, being a bill for an Act entitled, "An Act to prohibit Public School Officers and Employees from asking, instructing, or ordering Public School children to solicit funds for any purpose, and providing penalties for the violation thereof," report as a substitute to House Bill 348 and recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Harbert in the chair.

### HOUSE RESUMED.

Speaker Pro Tem. in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 31, being a bill for an Act entitled, "An Act relating to Banks and Banking; providing for conversion from a State Bank to a National Bank, and surrender of its charter as a State Bank and transfer of its property; providing for an increase or decrease in the capital stock of such a Bank; providing for conversion from a National to a State Bank," beg leave to report having had the same under consideration and recommend that same be concurred in.

Also Senate Bill No. 71, being a bill for an Act entitled "An Act concerning the payment of deposits in Bank in Trust," beg leave to report having had the same under consideration and recommend the same be concurred in.

Also S. B. No. 89, being a bill for an Act to amend Section 1661 and Section 1664 of the Revised Codes of Montana, 1907, relating to the appointment, duties and salary of the Secretary and Deputies of the Bureau of Child and Animal Protection, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also S. B. No. 99, being a bill for an Act entitled "An Act to amend Section 2047 of the Revised Codes of Montana of 1907 relating to Local Option," beg leave to report having had the same under consideration and recommend the same be concurred in.

Also, H. B. 346, being: A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled, 'An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the state for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of the various State Educational Institutions, and also to make whole the Permanent Funds of the various State Educational Institutions,' approved March 1st, 1907," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 165, being: A bill for an Act to amend Section 2841 of the the Revised Codes of Montana of 1907, being Section 1 of an Act entitled, "An Act to create the County of Sanders, designate its boundaries and to provide for its organization and government," approved February 7, 1905, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 223, being: A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana of 1907, relating to



Judges and Clerks of Election, Voting Precincts and Election Precincts within Cities and Towns," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 259, being: A bill for "An Act prohibiting the wearing of the uniforms of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 61, being: A bill for an Act to abolish the Carey Land Act Board and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said Board.

Also, H. B. No. 280, being: A bill for an Act entitled, "An Act to prevent and punish frauds in the sale of giant or blasting powder," beg leave to report having had the same under consideration and recommend the same do pass with the following amendment:

Amend Section 1, line 2, by inserting after the word "nitroglycerine" the words "or equivalent explosive compound," and by inserting in line 4 after the word "nitroglycerine" the words "or equivalent explosive compound," and by inserting in line 5, after the word "nitroglycerine" the words "or equivalent explosive compound," and by inserting in line 7 after the word "nitroglycerine" the words "or equivalent explosive compound," making those words read in all the above lines "nitro glycerine or equivalent explosive compound."

Also, H. B. No. 281, being: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 1, line 3, by striking out the word "public" and inserting in lieu thereof "ore shippers, their agents, or representatives," making the sentence read: "Shall maintain a sampling room or house to which the ore shippers, their agents or representatives shall have access at all times during the sampling of ores."

Amend Section 2, line 12, by inserting after the word "pulp" the words "for a period of thirty days or," and by inserting in line 13 between the words "accepted" and "be" the words "the ore shipper, his agents or representatives shall," making the sentence read as follows: "and shall keep the same separate and apart from any other ores or pulp for a period of thirty days, or until full settlement is made and accepted by the shipper, and until such settlement is made and accepted, the ore shipper, his agents or representatives shall be entitled to take from the quantity so retained, any part thereof for the purpose of assaying the same."

Also, H. B. No. 257, being: "An Act to regulate the public service of stallions and jacks in Montana," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:



Amend Section 6 by striking out in line 55 the words "Section 3 (three)" and inserting in lieu thereof the words "Section 4 (four)";

Amend Section 10 by striking out in line 128 the words "or scrub";

Amend Section 12 by striking out Section 12;

Amend Section 13 by striking out in line 146 "Section 13" and inserting in lieu thereof the words "Section 12," and renumbering each succeeding section in order thereafter.

Also, H. B. No. 213, being: A bill for an Act entitled, "An Act to regulate the transportation of coal, and to provide for the payment for loss of coal in transit," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 356, being: A bill for an Act entitled, "An Act" to amend an Act entitled 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which Act was approved on Feb. 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalty for the breach of the same," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 100, being: A bill for an Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana, 1907, relating to certificates of qualifications of teachers and to amend Section 908, Revised Codes of Montana of 1907, relating to qualifications of teachers, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 158: A bill for an Act to amend Sections 953, 958 and 959 of the Revised Codes of Montana of 1907, relating to the examination and qualifications of teachers and to the grades of teachers' certificates, and to amend Section 953 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907, beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 163, being: A bill for an Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of State and Life Certificates.

Also, H. B. No. 310, being: A bill for an Act entitled, "An Act relating to Trusts, Monopolies and Unlawful Contracts and Combinations in Restraint of Trade, commerce and transportation facilities, and fixing the punishment for infractions for the provisions thereof," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 1 by striking out in line 17 the word "ten" and inserting in lieu thereof the words "twenty-five."

Amend Section One by striking out the following portion thereof, beginning on line 18, to wit: "Every corporation violating the provisions of this section, forfeits to the state all its property and franchises, and in case of a foreign corporation it is prohibited from carrying on business in the state."

#### REPORTS OF STANDING COMMITTEES.

February 24, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 380, introduced by the Committee on Education, being a bill for an Act entitled, "An Act prohibiting the Practice of Fortune Telling, Clairvoyancy, Palmistry, and Astrology, and prohibiting the publishing, distributing or circulating, or causing to be published, distributed or circulated, any dodgers, circulars, pamphlets, or advertisements by, for or on behalf of any person or persons for the purpose of advertising or holding out such persons to be a fortune teller, clairvoyant, palmist or astrologist," recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration House Bill No. 331, introduced by Christler, being a bill for an Act entitled, "An Act to provide for the reformation of erring women and girls," respectfully recommend that the same do pass with the following amendment: Amend Section 3, line 3, by inserting after the word "may," "at the discretion of the Court or the Judge thereof."

HAMMOND, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 49, being a bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to Tax Deeds, and to fix the limit of time in which actions to set aside or annul Tax Deeds may be brought, having had said bill under consideration, beg leave to report same back to the House with the recommendation that the same be adopted.

FRANK, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 341, being a bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana, to conform therto, and to provide for the appoint-

ment, powers, duties and compensation, and term of office of the Judge of the said Judicial District," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 327, being a bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of Montana of 1907, relating to taxation," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass.

FRANK, Chairman.

Report adopted.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following were introduced by unanimous consent without previous notice:

H. B. No. 381, introduced by Shoemaker, a bill for an Act entitled, "An Act requiring Railroad Companies or Corporations, Common Carriers of Passengers for hire and other Transportation Companies engaged in the transportation of passengers, to furnish free transportation or passes to certain state and county officers."

Read first and second time and referred to the Committee on Railroads and Transportation.

House Joint Memorial No. 12, by Harbert, relative to the Kootenai Forest Reserve.

Read first and second time and referred to Committee on State Lands.

Mr. Speaker announced that he was about to sign Senate Bills 87 and 66 and thereupon signed them in the presence of the House.

On motion House adjourned until 10.30 a. m., tomorrow.

W. W. McDOWELL, Speaker.

Attest CHAS. Z. POND, Chief Clerk.

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## Fifty-Third Day.

Helena, Montana, February 25, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal read and approved.

#### COMMUNICATIONS.

February 24, 1909.

Mr. Speaker:

The State Insane Asylum at Warm Springs, Montana, is conducted

under the contract system and is an institution of large proportions and entails considerable expense to the taxpayers of Montana, and it is thought by the management that a visit thereto would be extremely profitable and beneficial to the members of the Eleventh Legislative Assembly. It would be interesting and instructive for the members to know the methods of conducting the business and affairs of this institution, and the care and attention afforded the unfortunates therein confined.

On behalf of the management of the institution, I desire to extend a very cordial and hearty invitation to the members of both the Senate and House of the Eleventh Legislative Assembly and their friends to visit said institution, either before or after the adjournment of the present session.

MITCHELL.

#### NOTICE.

Mr. Speaker:

I hereby give notice that I will on tomorrow or some subsequent day introduce a bill for an Act to prevent the sale of the shares of stock of any mining corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by the corporation of which said shares of stock are sold, and providing penalties for a violation thereof.

BYRNES.

#### REPORTS OF STANDING COMMITTEES.

Steering Committee Report for February 25, A. M.:

Senate Bills 67, Sub. House Bills 52, 111, 171, 209, 214, 237, House Bills 45, 83, 210, 228, 231, 251, 253, 263, 275, Sub. H. B. 314, and H. B. 332.

MacGINNISS, Chairman.

February 25, 1909.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill 302, being a bill for an Act entitled, "An Act to define the powers and duties of County Surveyors, and to provide for their compensation," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 264, being: "A bill for an Act to amend Section 4845 of the Revised Codes of Montana, relating to the priority of Water Rights from the streams of this State, respectfully report said bill back to the House with the recommendation that it be indefinitely postponed.

WHALEY, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 305 and 335 correctly printed.

O'DONNELL, Chairman.

February 25, 1909.

Mr. Speaker:

We, your Committee on Highways, having had under consideration H. B. No. 372, "A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor," respectfully report same back with the recommendation that it do pass.

BERKIN, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration H. B. No. 357, a bill for an Act to amend Section 5 of Chapter 57 of the Laws of 1905, relating to the issuance of Game Licenses by Justices of the Peace, recommend the same do pass.

BERKIN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration H. B. No. 301, an Act to amend Section 8794 of the Revised Codes of Montana, relating to the catching of fish and speculating purposes or for market or sales, recommend that the same do pass.

BERKIN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration H. B. No. 347, an Act providing for the appropriation of Eight Thousand (\$8,000.00) Dollars from the Fish and Game Fund of the State of Montana to be used for the purchase of pheasants and such other game birds as may be adapted to the State of Montana, and for the distribution of such birds among the various counties, recommend that the same be indefinitely postponed.

BERKIN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 374, introduced by McCoy, being a bill for an Act entitled, "An Act to amend Sections 613, 615 and 625 of the Revised Codes of Montana of 1907, relating to election and voting where voting machines are used," recommend that the same do pass.

McCOY, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Fish and Game, to which was referred H. B. No. 288, being: A bill for an Act entitled, "An Act to appropriate money from the Fish and Game fund for the completion of the State Fish Hatchery at Anaconda, Montana, and the maintenance and operation of the same for the year 1909 and 1910," after having had the same under consideration report the same back with a substitute bill and recommend that such substitute bill, being: A bill for an Act entitled, "An Act to appropriate money out of the fish and game fund for the maintenance and operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909 and 1910."

BERKIN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred H. B. No. 244, being: "A bill for an Act relating to the deposit of funds in the hands of the State Treasurer, designating the depositories thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment of the State Constitution, creating a State Depository Board," respectfully report said bill back to the house with the recommendation that it do pass with the following amendment:

On page 2, line 26, after the word "Board," insert: "Provided that the State Treasurer shall at all times keep a cash reserve in State Depositories provided for by this Act, of at least fifteen per cent (15%) of all State Funds, and no permanent investment shall be permitted which will in any manner impair said reserve."

Also on page 3, line 3, before the word "nothing," insert: "except as above."

OWENHOUSE, Chairman

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred S. B. No. 91, being: A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer and pay over to him moneys by them collected under authority of law at least once each month or when directed by the State Board of Examiners, respectfully report said bill back to the House with the recommendation that it be concurred in.

OWENHOUSE, Chairman.

Report adopted.

February 24, 1909

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 227, introduced by Hutchinson, a bill for an Act entitled, "An Act to appropriate for a Chemist and Bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appro-



priating money therefor," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 378, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the Maintenance of the National Guard, authorized by the State Board of Examiners," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

February 25, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 285, introduced by Hutchinson, a bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale any of the adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist, and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for a certificate of health for dairy cattle, providing for an appropriation for enforcing the provisions of this Act and the rules and regulations of the State Board of Health made in conformity herewith, repealing Acts and parts of Acts in conflict herewith," having had same under consideration recommend that it do pass with the following amendments:

Strike out all of Section 12.

Strike out all of Section 13 and insert in lieu thereof the following: "The sum of Two Thousand Five Hundred (\$2,500.00) Dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the year ending February 28, 1910, and Two Thousand Five Hundred (\$2,500.00) Dollars for the year ending February 28, 1911, for the purpose of paying all expenses incurred in the enforcement of the provisions of this Act."

KILGALLON, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

We, your Committee on engrossment, beg leave to report House Bills Nos. 141, 170, 254, and 256, also Amendments of S. Bs. Nos. 95 and 105, as correctly engrossed.

WARREN, Chairman.

February 25, 1909.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. Bs. Nos. 40, 42, 87, 97, 107, 115, 118, 140 and 156 as correctly enrolled.

WOODY, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. Bs. 47, 65, and Sub. H. B. No. 113, as correctly enrolled.

WOODY, Chairman.

### READING OF HOUSE BILLS.

The following bills were introduced, read first and second times and referred:

H. B. No. 383, by Largey: A bill for an Act to appropriate money to pay the expenses incurred by the Committee appointed to investigate the management of the State Fair.

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 384, by Mitchell: A bill for an Act entitled, "An Act providing for the issuance of State Licenses for automobiles used and operated in the State of Montana, and providing penalties for the operation of automobiles without first procuring such licenses."

Referred to Committee on Banks and Banking.

H. B. No. 385, by Connelly and Pierson: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the State and Deputy State Veterinary Surgeon in Custer and Carbon counties, Montana."

Read first time by title, second time at length and referred to the Committee on Appropriations.

Sub. H. B. No. 288, by Berkin: A bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, for the years 1909 and 1910."

Referred to Printing Committee.

House Joint Resolution No. 13, by Committee on Fish and Game, relative to appointment of Mrs. Charles B. Peyton.

Referred to Committee on Fish and Game.

H. B. No. 386, by Burke: A bill for an Act entitled, "An Act to amend Section 3240 of Article 3, Chapter 3, Title 3, Part 4 of the Political Code of Montana, of the Revised Codes of Montana, 1907, fixing the salaries of mayor and alderman in cities of the first class."

Referred to Committee on Affairs of Cities.

H. B. No. 387, by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate moneys for the payment of per diem of the officers and attachees of the Eleventh Legislative Assembly of the State of Montana."

Read first time by title, second time at length and referred to the Committee on Appropriations.

H. B. No. 388, by Mitchell: A bill for an Act to amend Sections 749, and 750 and 752 of the Penal Code of the State of Montana, relating to ring and prize fights, and premeditated contests, and boxing matches.

Referred to Committee on Affairs of Cities.

### MOTIONS.

Mr. Speaker:

I move that H. B. No. 302 be printed.

MITCHELL.

Motion passed.

Mr. Speaker:

Senate Bill No. 41, which passed the Senate unanimously and has been in the Sanitary Committee since February 5, I therefore move that it be taken from the committee and placed on General Orders, subject to the Steering Committee.

KELSEY.

Motion out of order.

Motion changed that Committee be instructed.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 40, 42, 87, 97, 107, 115, 156 and 140, and thereupon signed them in the presence of the House.

### THIRD READING OF HOUSE BILLS.

H. B. No. 21 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Coit, Crouch, Crutchfield, Cummings T. A., Frank, Giovanetti, Hanifen, Hutchinson, Kelsey, King, Largey, Lowney, Maxwell, Mitchell, MacGinniss, McCoy, Pomeroy, Roy, Safley, Smith, Thompson, Ward, Wilham.—33.

Noes: Cummings H. T., Duncan, Edgerton, Elliott, Garber, Groff, Hall, Hammond, Jacobson, Lehrkind, Murray, Norton, Swick, Warren, Werner, White, Witmer, Wood, Mr. Speaker.—19.

Absent and not voting: Burke, Cluston, Connelly, Derry, Dowling, Eliel, Gibson, Gray, Hayes, Harbert, Hunter, Kilgallon, Metzel, O'Donnell, Owenhouse, Shaw, Shoemaker, Whaley, Woody.—9. Total, 71.

Title approved.

H. B. No. 141 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Coit, Crutchfield, Cummings H. T., Cummings T. A., Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, McCoy, Norton, Pomeroy, Roy, Safley, Shaw, Smith, Swick, Ward, Werner, White, Wilham, Witmer, Mr. Speaker.—46.

Noes: Maxwell, Thompson, Warren.—3.

Absent and not voting: Burke, Cluston, Connelly, Crouch, Derry, Dowling, Eliel, Gibson, Gray, Hayes, Harbert, Hunter, Kilgallon, King,

Metzel, O'Donnell, Owenhouse, Pierson, Shoemaker, Whaley, Wood, Woody.—22. Total, 71.

Title approved.

H. B. No. 170 was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Butzerin, Byrnes, Coit, Cummings H. T., Duncan, Eliel, Elliott, Frank, Garber, Gray, Hammond, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Murray, MacGinniss, McCoy, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer, Wood, Mr. Speaker.—41.

Noes: Allen, Berkin, Burke, Clayberg, Crouch, Crutchfield, Cummings T. A., Edgerton, Giovanetti, Hall, Mitchell, Norton, O'Donnell, Roy, Ward, Warren, Wilham.—17.

Absent and not voting: Christler, Cluston, Connelly, Derry, Dowling, Gibson, Groff, Hayes, Hunter, Mitchell, Pierson, Whaley, Woody.—13. Total, 71.

Title approved.

H. B. No. 243 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Smith, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: Elliott.—1.

Absent and not voting: Christler, Connelly, Crutchfield, Derry, Dowling, Frank, Gibson, Hayes, Harbert, Hunter, Kilgallon, Metzel, Shoemaker, Whaley, Woody.—15. Total, 71.

Title approved.

H. B. No. 256 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Giovanetti, Gray, Groff, Hall, Hanifen, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Pomeroy, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Bogart, Christler, Derry, Dowling, Frank, Garber, Gibson, Hammond, Hayes, Harbert, Hunter, Hutchinson, Whaley, Woody.—14. Total, 71.

Title approved.

H. B. No. 254 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Borgart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Groff, Hall, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Christler, Crutchfield, Derry, Dowling, Frank, Gibson, Gray, Hammond, Hayes, Harbert, Lehrkind, Maxwell, Whaley, Woody.—14. Total, 71.

Title approved.

### THIRD READING OF SENATE BILLS.

S. B. No. 31 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Christler, Connelly, Crutchfield, Derry, Dowling, Gibson, Gray, Hayes, Harbert, Jacobson, Wilham, Woody.—12. Total, 71.

Title concurred in.

S. B. No. 71 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Butzerin, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—53.

Noes: Berkin, Clayberg, Frank, Norton.—4.

Absent and not voting: Byrnes, Christler, Connelly, Crutchfield, Derry, Dowling, Gibson, Groff, Hayes, Harbert, Hunter, Kilgallon, Metzel, Whaley, Woody.—14. Total, 71.

Title concurred in.

S. B. No. 89 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond,



Hanifen Hayes, Harbert, Kelsey, Hutchinson, Largey, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Roy, Safley, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—47.

Noes: None.

Absent and not voting: Byrnes, Christler, Connelly, Crutchfield, Derry, Dowling, Duncan, Garber, Gibson, Hayes, Harbert, Hunter, Jacobson, Kilgallon, Metzel, Owenhouse, Pomeroy, Shaw, Shoemaker, Whaley, Woody.—24. Total, 71.

Title concurred in.

S. B. No. 99 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Clayberg, Cluston, Crouch, Edgerton, Eliel, Elliott, Frank, Giovanetti, Hammond, Hanifen, Largey, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Shoemaker, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—33.

Noes: Brewster, Butzerin, Byrnes, Coit, Cummings H. T., Cummings T. A., Garber, Gray, Groff, Hall, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Maxwell, Metzel, McCoy, Pomeroy, Safley, Shaw, Smith, Thompson, Swick, Wood.—26.

Absent and not voting: Christler, Connelly, Crutchfield, Derry, Dowling, Duncan, Gibson, Hayes, Hunter, Owenhouse, Woody.—11. Total, 71.

Title concurred in.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 47, 65 and 113, and thereupon signed them in the presence of the House.

On motion, House recessed until 2:00 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 310 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, Lowney, Maxwell, Metzel, Murray, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—51.

Noes: Bogart, Butzerin, Gibson, Gray, McCoy, Owenhouse, Safley—7.

Absent and not voting: Crutchfield, Cummings H. T., Derry, Dowling, Hayes, King, Largey, Lehrkind, Mitchell, MacGinniss, Shaw, Wilham, Woody.—13. Total, 71.

Title approved.



## REPORTS OF STANDING COMMITTEES.

February 25, 1909.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Joint Resolution No. 13, relative to the appointment of Mrs. Chas. B. Peyton, as Deputy Game and Fish Warden for the term of four years, recommend that the same do pass.

BERKIN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration S. B. No. 41, introduced by Sykes, being: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Code, covering regulations of the practice of medicine of applicants," unanimously recommend that the same be indefinitely postponed.

HAMMOND, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration S. B. No. 63, introduced by Kessler by request, being: A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1581, 1582 and 1584, of the Revised Codes of the State of Montana, and to repeal Section 1580 of the Revised Codes of the State of Montana relating to the practice of dentistry in this State," respectfully recommend that the bill be concurred in.

HAMMOND, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Live Stock and Public Ranges, having had under consideration S. B. No. 88, introduced by Selway, a bill for an Act entitled, "An Act to amend Section 1794 of the Revised Codes of Montana of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do," report the same back to the House with the recommendation that it be concurred in.

CROUCH, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Waterways and Navigation, having had under consideration Senate Concurrent Resolution No. 1, introduced by Everett, entitled, "A Resolution to the Senators and Representatives in Congress requesting that proper estimates be obtained through the War

Department of the requirements for the general improvement of the Missouri River and its tributaries,' report back to the House with the recommendation that the resolution be concurred in.

HARBERT, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Townships and Counties, to which was referred H. B. No. 312, being: A bill for an Act entitled, "An Act to create the County of Lincoln, designate its boundaries and provide for its organization and government," after having had the same under consideration, report the same back with the recommendation that it be indefinitely postponed.

DUNCAN, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 208 and 368 correctly printed.

O'DONNELL, Chairman.

February 25, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report H. Bs. Nos. 61, 163, 165, 213, 357, 259 and 346 as correctly engrossed.

WARREN, Chairman.

February 25, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred S. B. No. 24, introduced by Donlan: A bill for an Act entitled, "An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau, by counties and by Chambers of Commerce, Commercial Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federated Trades Unions, and other Industrial Associations of Promotive Character; to provide for the publication and publicity of such statistics; to provide for appropriations by counties and by the State to meet the expenses incurred in the futureherance of such purposes; and to provide for the appointment and salary of Assistant Clerk for said Bureau," having had the same under consideration, recommend that it do pass with the following amendments:

Amend by striking out all of Section 3.

Amend Section 4, by striking out the words "Ten Thousand Dollars" and insert in lieu thereof the words "Five Thousand Dollars."

Amend Section 1 by striking out the word "quarterly."

And further amend Section 1 by striking out all of the words in lines 8, 9 and 10 after the word "be" in line 8 to, and including the word "thereof" in line 10, and substituting therefor the words "published in such form and quantity as in the judgment of the Commissioner may be deemed expedient and practicable."

Amend Section 7 by striking out all of the words in lines 57, 58 and 59 after the word "folders" in line 57, to and including the word "Act" in line 59

**COMMITTEE ON APPROPRIATIONS.**

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration H. B. No. 271, introduced by MacGinniss, being: A bill for an Act entitled, "An Act to punish the making or use of false statements to obtain credit," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report House Bills Nos. 100 and 356 as correctly engrossed.

WARREN, Chairman.

Mr. Speaker announced that he was about to sign S. Bs. Nos. 60 and 70, and thereupon signed them in the presence of the House.

On motion of Brewster, H. B. No. 213 was re-referred to General Orders.

Ward moved that the report of H. B. No. 47 be reconsidered.

Motion laid on table.

On motion of Norton, H. B. No. 152 be placed on General Orders.

On motion of Gray, H. B. No. 92 was placed on General Orders.

On motion of Burke, the Judiciary Committee was asked to report on H. B. No. 347.

On motion of Byrnes, the Senate was requested to return H. B. No. 143 for correction.

**INTRODUCTION AND READING OF HOUSE BILLS.**

The following bills were today introduced, read first and second times and referred.

H. B. No. 387, by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate moneys for the payment of per diem of the officers and attachees of the Eleventh Legislative Assembly of the State of Montana."

Referred to Committee on Appropriations.

H. B. No. 388, by Mitchell: A bill for an Act to amend Sections 759 and 750 of the Penal Code of the State of Montana, relating to the ring and prize fights and premeditated contests, and boxing matches.

Referred to Committee on Affairs of Cities.

**MESSAGES FROM THE SENATE.**

February 25, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B. No. 143 is herewith returned for correction as requested by the House.

H. B. No. 124 was reported back to the Senate by the Committee on Counties, Towns and Municipal Corporations with the recommendation that it be not concurred in. Report adopted.

Also, H. B. No. 44 was reported back by Committee on Elections and Privileges with the recommendation that it be not concurred in. Report adopted.

Also H. B. No. 63 reported back by Committee on Elections and privileges with recommendation that it be not concurred in.

Also H. B. No. 43 reported back by Committee on Elections and Privileges with recommendation that it be not concurred in.

Also H. J. R. No. 11 reported back by Committee on Elections and Privileges with recommendation that it be not concurred in, and H. Bs. 124, 44, 63, 43, and H. J. R. No. 11 are herewith returned.

Senate Bill No. 85 having been read three several times and passed is herewith transmitted for your concurrence.

House Bill no. 161, having been read three several times and concurred in, is herewith returned.

The following bills were introduced, read first and second times and referred:

S. B. No. 124, by Romney: A bill for an Act providing for the submission to the electors of the State of Montana of an amendment to Section 5, Article XVI, of the Constitution of the State of Montana, relating to the election and duties of County Officers.

Referred to Committee on Education.

S. B. No. 125, by Rae: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand stand of the Montana State Fair."

Referred to Committee on Finance and Claims.

February 24, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President has this day appointed the following committee as a conference committee to act with a like committee from the House on House Amendments to S. B. No. 36: Meyer, Albright and McCarthy.

House Bill 110 having been read three several times and concurred in is herewith returned to the House.

House Bill No. 203 having been reported back to the Senate by Committee on Towns, Counties and Municipal Corporations with recommendation that it be not concurred in, report was adopted and it is herewith returned to the House.

Senate Bills Nos. 59, 108, 80 and 103 having been read three several times and passed are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

On motion, H. B. No. 143 was re-referred to Printing Committee.

Mr. Speaker appointed Frank, Pierson, Harbert conferees.

**READING OF SENATE BILLS.**

The following Senate Bill was today introduced, read first and second time and referred:

S. B. No. 85, by Muffy: "An Act to regulate and control corporations, companies, associations and persons owning, controlling or operating a line or lines, a system or systems of Telegraph or Telephones in whole or in part, within this State and to change, fix, determine and regulate the rates, fares, rentals, tolls, charges, classifications, regulations and conditions to be imposed, and services affecting the transmittal and delivery of messages, and the rents and charges for the use of any such line or lines, system or systems, instrument or instruments, or appliances and placing such corporations, companies, associations and persons under the control of the Board of Railroad Commissioners of this State, and giving and imposing upon said Board, powers and duties to change, fix, determine and regulate, such rentals, charges, fares, tolls, classifications and services, together with the power and duty to fix, change, determine and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and persons, also to prevent discrimination.

Referred to Judiciary Committee.

On motion of Christler, House asked Steering Committee to make S. B. No. 24 a Special Order tomorrow at 3:00 o'clock.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders.

Byrnes in the chair.

**HOUSE RESUMED.**

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 30, being: A bill for an Act to provide for the issue and sale by the State Board of Examiners of bonds for the purpose of erecting a wing to the State Capitol Building and to provide for the erection of said wing under the authority and direction of the State Board of Examiners, beg leave to report having had the same under consideration and recommend that the same be concurred in as amended.

Also, S. B. No. 67, being: A bill for an Act entitled, "An Act to prevent discrimination by surety companies," beg leave to report having had the same under consideration and recommend the same be concurred in as amended.

Also, H. B. No. 52, being: A bill for an Act providing penalties for the taking up, using or disposing of horses, mules or asses contrary to law, beg leave to report having had the same under consideration and recommend the same do pass.

Also, Sub. for H. B. No. 111, being: A bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, 1907, and prohibit persons from practicing law, or appearing as attorney in any Court without a license as Attorney and Counsellor, and providing pun-



ishment for the violation of the same," beg leave to report having had the same under consideration and recommend the same do pass.

Also, Sub. for H. B. No. 171, being: A bill for an Act entitled, "An Act to amend Sections 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest, and fixing the time within which suit shall be commenced for recovery of the same," beg leave to report having had the same under consideration and recommend the same do pass.

Also, Sub. for H. B. No. 209, being: A bill for an Act entitled, "An Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph or telephone stations to report delayed trains, prescribing the method thereof, and providing penalties," beg leave to report having had the same under consideration and recommend the same do pass.

Also, Sub. for H. B. No. 214: A bill for an Act to amend Section 1497, Revised Codes of Montana of 1907, relating to expenses incurred by counties, cities and towns in caring for persons afflicted with communicable diseases, beg leave to report having had the same under consideration and recommend that the enacting clause be stricken out.

Bill put on third reading.

Also, Sub. for H. B. No. 237: A bill for an Act entitled, "An Act to restrict the sale of the alkaloid, cocaine or its salts, alpha or beta, eucaine or their salts, providing penalty for the violation thereof, repealing acts and parts of acts in conflict therewith," beg leave to report having had the same under consideration, recommend the same do pass.

Also, H. B. No. 45, being: A bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for municipal purposes and now held or owned by bona fide holders thereof for value, and the issuance of funding bonds therefor," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 83: A bill for an Act entitled, "An Act to amend Sections 1889, 1890 and 1891, Revised Codes of Montana of 1907, relating to the powers of the State Live Stock Sanitary Board, authorizing the slaughter of diseased animals or animals exposed to disease, and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851 and 1853 of the 1907 Revised Codes of Montana," beg leave to report having had the same under consideration and recommend the same do pass with the following amendment:

Amend Section 2 by striking out in line 61 the word "symptoms" and inserting in lieu thereof the word "evidence."

Also, Sub. for H. B. No. 210: A bill for an Act entitled, "An Act concerning Tree Planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana, 1907," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 228, being: A bill for an Act to conform the organization and discipline of the Organized Militia of the State of Montana to the requirements of the Act of Congress entitled, 'An Act to promote the efficiency of the Militia and for other purposes,' approved January 21,



1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1062, 1074, 1082 and 1100 of the Revised Codes of Montana of 1907, relating to the Militia and National Guard of Montana," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Section 4 by inserting after line 55 the words "The Corps of Engineers."

Amend Section 4, by inserting after line 84, the words, "the engineers department, Chief Engineer with rank of Major."

Mr. Chairman:

We, your Committee on Military Affairs, unanimously offer as an amendment to House Bill No. 228 that all of Section 8 from line 151 to 174 inclusive be stricken out.

COIT, Chairman.

Also, House Bill No. 231, being: A bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections 2886, 2891, 2892, and 2893 of the Revised Codes in conflict therewith and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected, beg leave to report having had the same under consideration and recommend the same do pass.

Also, Sub. for H. B. No. 251: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana of 1907, relating to hunting and fishing licenses, the manner of issuing the same, and providing the penalty for the violation of this Act," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 253: A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of School Physicians," beg leave to report having had the same under consideration and recommend the same do pass.

On motion, all the reports adopted, except H. B. No. 214 which on motion of Gray was segregated from the report, and on a substitute motion was recommended for passage.

Moved that when the House adjourn it will be until 10:30 tomorrow.

On motion House adjourned until 10:30 A. M., February 26, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Fifty-Fourth Day.

Helena, Montana, February 26th, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

February 26, 1909.

Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration H. B. No. 336, introduced by Clayberg, being a bill for an Act entitled, "An Act to provide for the medical aid and assistance for injuries received by railroad trainmen or employees of railroads during the course of their employment, and providing for the payment therefor," report the same back to the House with the recommendation that the Bill do pass.

PIERSON, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration Senate Bill No. 100, introduced by Cardwell, being a bill for an Act to amend Section 1171 of the Revised Codes of Montana of 1907, relating to the admission, care and retention of persons or children in the Montana School for the Deaf, Blind and Feeble-Minded at Boulder, Montana, recommend that the same be concurred in.

SHOEMAKER, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 323, introduced by Connelly, being a bill for an Act entitled, "An Act to provide for the filing with the Secretary of State of Descriptions of Insignia, Badges, Rosettes, Pins, Buttons and Charms, adopted or authorized by Societies, Lodges, Orders and Fraternal Organizations incorporated under the laws of this State; to prohibit the wearing or use of the same by persons not members of such organizations, and providing penalties for the violation thereof," recommend that the same do pass.

HAMMOND, Chairman.

Report adopted.

February 24, 1909.

Mr. Speaker:

We, the majority of your Committee on Irrigation and Water Rights, to whom was referred H. B. No. 369, beg leave to report the same back

to the House with the recommendation that action thereon be indefinitely postponed.

BYRNES,  
METZEL,  
POMEROY,  
WHITE,  
ELLIOTT,  
MAXWELL,  
WOODY.

Minority report was adopted.

February 24, 1909.

Mr. Speaker:

We, as a minority of your Committee on Irrigation and Water Rights, having had under consideration H. B. No. 369, being: A bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of Water Rights from the streams of the State, respectfully report said bill back to the House with the recommendation that it do pass.

WHALEY,  
CUMMINGS, H. T.,  
GROFF,  
SHAW.

The minority report adopted.

February 24, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report amendments to Senate Bills Nos. 67 and 30 as correctly engrossed.

WARREN, Chairman.

February 26, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report House Bill No. 158, 223, 280 and amendments to S. B. No.\*24 as properly engrossed.

WARREN, Chairman.

On motion, House Bill No. 278 was placed on General Orders.

#### READING OF SENATE BILLS.

The following Senate Bills were today introduced, read first and second time and referred:

Senate Bill. No. 59, by Committee on Public Lands: A bill for an Act entitled, "An Act providing for the management and control of lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection and disposition of the timber growing therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State Lands; and defining and providing for

the punishment of certain offences for violating the provisions of this Act."

In the House, read first and second time and referred to the Committee on Conservation of Resources.

S. B. No. 80, by Rae: A bill for an Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital or insolvency of banks and duties of State Bank Examiners.

In the House, read first and second time and referred to Committee on Banks and Banking.

S. B. No. 103, by Everett: A bill for an Act entitled: "An Act to amend Sections 6373, 6376 of the Revised Codes of Montana of 1907, being Section 370 and 373, Part 1, Title IV, of the Code of Civil Procedure of the State of Montana, 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1905, relating to stenographers of the District Courts, their duties, qualifications and compensation.

In the House, read first and second time and referred to Judiciary Committee.

S. B. No. 108, by Sykes: A bill for an Act entitled, "An Act requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien.

In the House, read first and second time and referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

February 25, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was introduced, read first and second time and referred:

By Committee on Education, S. B. No. 126: A bill for an Act entitled, "An Act to promote industrial education."

Referred to Committee on Education.

Respectfully,

NATHAN GODFREY, Secretary.

#### REPORT OF SELECT COMMITTEE.

The Select Committee appointed to investigate the Reform School made a report which was read and referred to the Committee on State Institutions.

On motion of Frank, Substitute H. B. No. 111 was considered engrossed and placed on third reading.

#### THIRD READING OF HOUSE BILLS.

Substitute H. B. No. 111 was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Butzerin, Byrnes, Clayberg,

Cluston, Coit, Connelly, Crouch, Cummings T. A., Dowling, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hutchinson, Kelsey, King, Largey, Maxwell, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Warren, Whaley, Werner, White, Wood, Mr. Speaker.—49.

Noes: Christler, Cummings H. T., Duncan, Groff, Hayes, Jacobson, Metzel, Murray, Ward, Wilham, Witmer.—11.

Absent and not voting: Brewster, Burke, Crutchfield, Derry, Edgerton, Eliel, Harbert, Kilgallon, Lehrkind, Lowney, Safley, Woody.—11. Total, 71.

Title approved.

H. B. No. 257, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Cummings T. A., Dowling, Edgerton, Eliel, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Wood, Mr. Speaker.—52.

Noes: Crouch, Cummings H. T., Duncan, Elliott, Hanifen, King, Metzel, Warren, Wilham, Witmer.—10.

Absent and not voting: Bogart, Burke, Crutchfield, Derry, Garber, Harbert, Kilgallon, Whaley, Woody.—9. Total, 71.

H. B. No. 259, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—60.

Noes: None.

Absent and not voting: Bogart, Brewster, Burke, Crutchfield, Derry, Frank, Kilgallon, Pierson, Safley, Whaley, Woody.—11. Total, 71.

H. B. No. 346, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Bogart, Brewster, Burke, Crutchfield, Derry, Frank, Garber, Harbert, Kilgallon, Lehrkind, Mitchell, Pierson, Smith, Whaley, Woody.—15. Total, 71.

H. B. No. 158, title approved. was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Edgerton, Giovanetti, Groff, Hall, Hammond, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Werner, White, Wood, Mr. Speaker.—46.

Noes: Cluston, Dowling, Duncan, Elliott, Gray, Hanifen, Hayes, Metzel, Ward, Warren, Wilham, Witmer.—12.

Absent and not voting: Burke, Butzerin, Crutchfield, Eliel, Frank, Garber, Gibson, Harbert, Kilgallon, Mitchell, Smith, Whaley, Woody.—13. Total, 71.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 34, 89, 31, 99, and 78, and thereupon signed them in the presence of the House.

Mr. Speaker announced that he was about to sign House Bills Nos. 110 and 161, and thereupon signed them in the presence of the House.

### THIRD READING OF HOUSE BILLS.

H. B. No. 165, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Giovanetti, Groff, Hall, Hammond, Haynes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Largey, Lowney, Murray, MacGinniss, Norton, O'Donnell, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Werner, White, Witmer, Wood, Mr. Speaker.—44.

Noes: Allen, Crouch, Elliott, Garber, Hanifen, King, Lehrkind, McCoy, Owenhouse, Pierson, Roy, Warren, Whaley.—13.

Absent and not voting: Burke, Christler, Crutchfield, Eliel, Frank, Gibson, Gray, Kilgallon, Maxwell, Mitchell, Pomeroy, Smith, Wilham, Woody.—14. Total, 71.

Moved that the vote be reconsidered. Motion carried.

Mr. Speaker:

I move that the title of House Bill No. 165 be amended to read as follows: A bill for an Act entitled, "An Act to amend Section 2841 of the Revised Codes of Montana of 1907, providing for a change in the Bounday Line Between Sanders and Missoula County."

The title of 165 amended and roll called upon bill with title amended, when the bill passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Gibson, Giovanetti, Groff, Hall, Hammond, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, King, Largey,



Lowney, Metzel, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—50.

Noes: Elliott, Garber, Hanifen, Lehrkind, McCoy, Pierson, Roy, Thompson, Warren, Whaley.—10.

Absent and not voting: Allen, Burke, Connelly, Crutchfield, Frank, Gray, Hunter, Kilgallon, Maxwell, Pomeroy, Wilham.—11. Total, 71.

H. B. No. 163, title approved, was re-referred to General Orders.

On motion, House recessed until 2:00 o'clock P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

Edgerton moved that H. B. No. 158 be reconsidered.

Motion by Burke to lay on the table.

Roll call was demanded and motion lost by the following vote:

Ayes: Brewster, Berkin, Butzerin, Byrnes, Colt, Crutchfield, Cummings T. A., Derry, Eliel, Frank, Giovanetti, Groff, Hammond, Hutchinson, Metzel, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Safley, Smith, Wood, Mr. Speaker.—24.

Noes: Arnett, Burke, Christler, Clayberg, Cluston, Crouch, Cummings H. T., Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Gray, Hall, Hanifen, Hayes, Hunter, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Norton, O'Donnell, Pomeroy, Roy, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer.—42.

Absent and not voting: Allen, Bogart, Connelly, Harbert, Woody.—5. Total, 71.

On motion of Edgerton, H. B. 158 was re-referred to General Orders.

#### INTRODUCTION AND READING OF HOUSE BILLS.

H. B. No. 309, by Byrnes: A bill for an Act to prevent the sale of the shares of stock of any Mining Corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by the corporation of which said shares of stock are sold, and providing penalties for a violation thereof.

Referred to Committee on Mines and Mining.

H. B. No. 390, by Committee on Appropriations: A bill for an Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Prison at Deer Lodge.

Referred to Committee on Appropriations.

H. B. No. 391, by Kilgallon: A bill for an Act appropriating money for the payment of a deficiency claim for the salary of the members of the Supreme Court and District Judges of the State, for the quarter ending February 8, 1909.

Referred to Committee on Appropriations.

H. B. No. 392, by Christler: A bill for an Act to provide for the making, filing and publishing of a statement of campaign funds. Referred to Committee on Privileges and Elections.

## REPORTS OF STANDING COMMITTEES.

Steering Committee for February 26: First those bills left on list of February 25th: 275, 317, 332, 338, Sub. for H. B. 213, H. B. 208, H. J. R. 7 and 9, H. Bs. 19, 27, 202, 211, 267, 269, 296, S. Bs. Sub. for S. B. 17, S. Bs. 17, 49, 50, 51, 52, 56, 75, 86.

MacGINNISS, Chairman.

Steering Committee Report for Feb. 26, A. M.: S. B. 24, Special Order for 3 o'clock.

MacGINNISS, Chairman.

February 25, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 109, introduced by Giovanetti, a bill for an Act entitled, "An Act appropriating money for the purpose of equipment of the dormitory, boarding place, and gymnasium, to be the property of the School of Mines, at Butte, Montana," having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 152, introduced by Owenhouse, being: A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a Woman's Dormitory at the Montana Agricultural College, at Bozeman, Montana," recommend that the same do pass as amended.

KILGALLON, Chairman.

Adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 387, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate money for the payment of per diem of the officers and attachées of the Eleventh Legislative Assembly of the State of Montana," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Appropriations, having had under consideration H. B. No. 313, introduced by Hunter, being: A bill for an Act entitled, "An Act appropriating money to be credited to the Bounty Fund for the purpose of paying Bounty on Wild Animals," recommend that the same do pass as amended.

KILGALLON, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bill No. 96, introduced by Cockrell, a bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State Prison," having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 375, introduced by Burke: A bill for an Act entitled, "An Act to amend Section 2773 of the Political Code, Revised Codes of Montana of 1907, relating to classification of licenses of Telephone, Telegraph, Electric Light, Gas and Water Companies," report the same back to the House with the recommendation that it do pass.

BURKE, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 363, 362, 307 and Sub. for 348, correctly printed.

O'DONNELL, Chairman.

February 26, 1909.

Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration H. B. No. 381, introduced by Shoemaker, a bill for an Act entitled, "An Act requiring railroad companies or corporations, common carriers of passengers for hire, and other transportation companies engaged in the transportation of passengers, to furnish free transportation or passes to certain State and County Officers," report the same back to the House with the recommendation that it be indefinitely postponed.

PIERSON, Chairman.

Adopted.

Amended to print.

February 26, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 271, introduced by Harbert, a bill for an Act entitled, "An Act amending Section 3214 of the Revised Codes of Montana, relating to the extension of Corporate Limits of cities and towns over contiguous platted tracts," report the same back to the House with the recommendation that it do pass.

BURKE, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on State Boards and Officers, having had under consideration H. B. No. 325, introduced by Christler, being: A bill for an Act entitled, "An Act to amend Sections 1587 of the Revised Codes of Montana, relating to the examination of applicants for certificates, entitling them to practice medicine and surgery," unanimously recommend that the same be indefinitely postponed.

OWENHOUSE, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 383, introduced by Largey, a bill for an Act to appropriate money to pay the expenses incurred by the Committee appointed to investigate the management of the State Fair, having had the same under consideration recommend that it do pass with the following amendment:

Strike out the words "Seven Hundred and Fifty Dollars" and insert in lieu thereof the words "Six Hundred Dollars."

KILGALLON, Chairman.

Adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Conservation of Resources, having had under consideration H. B. No. 340, introduced by Clayberg, being: A bill for an Act entitled, "An Act to regulate the ownership or possession of lands by aliens," report the same back to the House with the recommendation that it do pass.

CLAYBERG, Chairman.

Adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred H. B. No. 389, being a bill for an Act entitled, "An Act to prevent the sale of shares of Stock of any Mining Corporation unless the selling agent shall first exhibit to the purchaser abstract of title of all real estate owned by the corporation, in which said shares of stock are sold, and providing penalties for the violation thereof," respectfully report the same back to the House with the following amendments:

Amend Section 1 by striking out the word "certified" in line 16, and insert between the words "tile" and "of" in line 16, the words "or copy thereof," making the sentence read, "A true and correct abstract of title or copy thereof of all the real estate owned by such corporation," that it is adopted as amended.

BYRNES, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred Senate Bill No. 62, respectfully report the same back to the House with the information that another measure reported by this Committee covers the ground sought to be covered by Senate Bill No. 62, and recommend that action thereon be indefinitely postponed.

BYRNES, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bills Nos. 110 and 161 as corretly enrolled.

LARGEY, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 386, introduced by Burke, a bill for an Act entitled, "An Act to amend Section 3240 of Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana, 1907, fixing the salaries of mayor and alderman in cities of the first class," report the same back to the House with the recommendation that it do pass.

BURKE, Chairman.

February 26, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, having had under consideration H. B. No. 379, introduced by Edgerton (by request): A bill for an Act entitled, "An Act to Provide Public Playgrounds," report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out in Section 2, beginning in line 14 of sentence, "A city in order to meet the expense of acquiring land for this purpose, incur indebtedness beyond the limit of municipal indebtedness to an amount not exceeding one-half of one percent of its assessed valuation."

BURKE, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on State Lands, to whom was referred House Bill No. 29, introduced by Brewster, a bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the State is entitled under the land grants embraced within the United States Government Reservations, and to make lieu selections in place thereof of agricultural and grazing lands," report the same back to the House and offer a substitute therefor, and recommend that the substitute do pass.

CLUSTON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on State Lands, having had under consideration House Joint Memorial No. 12, introduced by Harbert, relative to the Kootenai Forest Reserve, beg to report same back to the House with the recommendation that it do pass.

CLUSTON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration H. B. No. 219, introduced by Hutchinson, a bill for an Act entitled, "An Act concerning railroads and to better protect the lives of Railway Employees and the traveling public, and providing penalties for the violation thereof," report the same back to the House with the recommendation that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration H. B. No. 355, introduced by Bogart: A bill for an Act entitled, "An Act relating to the valuation of the property of railroads, for all purposes of rate regulation, by the Board of Railroad Commissioners, or the Courts, and providing rules of evidence relating to the same," report the same back to the House with the recommendation that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on Railroads and Transportation, having had under consideration H. B. No. 352, introduced by Burke: A bill for an Act entitled, "An Act to regulate the condition and installation of public and private crossings over railroad tracks, and conferring power upon the Railroad Commission to make orders concerning the same," report the same back to the House with the recommendation that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 111, being: A bill for an Act entitled, "An Act to give the Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime; to employ, or authorize the employment of stock inspectors, and to employ, or authorize the employment of special counsel in criminal actions and in actions in which the county



is a party," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be concurred in, after being amended as follows:

Amend Section 2, line 10, on page 1 of said bill by inserting after the word "county" the words "except in counties of the first class."

Amend Section 4, page 2, line 32 of said bill by inserting after the word "power" the words "except in counties of the first class."

FRANK, Chairman.

Adopted.

February 25, 1909.

Mr. Speaker:

We, your Committee on Irrigation and Water Rights, having had under consideration S. B. No. 18, being: "An Act to provide for the creation, organization, government and extension of Irrigation Districts; to prescribe the rights powers and duties thereof; to provide for the acquisition, and for the maintenance and control thereby of work, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor, and for the expense of such districts; and to extend and apply the provisions of this Act to Irrigation Districts of the State heretofore organized, or in process of organization, under existing laws; and to repeal, with reservation, the provisions of Sections 2309 to 2402, both inclusive, of Title X, Part III, of the Revised Codes of Montana of 1907," report the same back with the recommendation that it do pass with the following amendments:

First: Amend Section 1 by adding thereto the following: "Provided, however, that lands already under irrigation, or lands having water rights appurtenant thereto, or lands that can be irrigated from sources other than the District System, shall not be included unless the owner or owners thereof shall file their consent in writing to the inclusion of such lands in the proposed districts, as hereinafter provided."

Second: Amend Section 3 by striking out the word "fifteen" in line 52 of the printed bill (being line 4, page 4 of the engrossed bill) and inserting in lieu thereof the word "thirty."

Third: Amend Section 4 by inserting after the word "petitioners" in line 66 of the printed bill (being line 24, page 4, engrossed bill), the following: "or any other person or persons interested."

Fourth: Amend Section 4 by inserting in line 79 of the printed bill (being line 11, page 5 of the engrossed bill), after the word "District," the following: "if the owner or owners of such lands shall file in such District Court a written request that such lands be included in such District."

Fifth: Amend Section 4 by striking out in lines 83 and 84 of the printed bill (being line 16, page 5, engrossed bill), the following: "be included within such proposed districts," and insert in lieu thereof the following: "nor shall lands already under irrigation, nor lands having water rights appurtenant thereto, nor lands that can be irrigated from sources other than the District System, be included within such pro-

posed Districts, unless the owner of such lands shall consent in writing to the inclusion of such lands, in the proposed District, as hereinafter provided."

Sixth: Amend Section 4 by striking out in line 94 of the printed bill (being line 34, page 5 engrossed bill), the words "the legal," and insert in lieu thereof the words "accurate."

Seventh: Amend Section 5 by striking out the words "for the term of two years," in lines 111 and 112 of the printed bill (being line 28, page 6, engrossed bill), and inserting in lieu thereof the following: "until the second Saturday in April following their appointment."

Seven and One-half: Amend Section 5 by striking out the word "therein" in line 110 of the printed bill (being line 26, page 6 of the engrossed bill), and inserting in lieu thereof the following: "within the District, and shall be a resident of the county in which the division of the District or some portion thereof for which such Commissioners so elected is situated."

Eighth: Amend Section 12 by striking out in line 218 of the printed bill (being lines 1 and 2 on page 13 of the engrossed bill), the following: "remaining members of the Board"; and inserting in lieu thereof the following: "Judge of the District Court of the county in which the division or major portion thereof is situated."

Ninth: Amend Section 12 by adding after the word "shall," in line 218 of the printed bill (being in line 2, page 13 of the engrossed bill), the following: "be an owner of land situated in the same division of the District as his immediate predecessor on such Board, and shall."

Tenth: Amend Section 12 by striking out the following: commencing with the words "in case" in line 219 of the printed bill (being line 3, page 13 of the engrossed bill), down to and including the word "appointment" in line 222 of the printed bill (being line 7, page 13 of the engrossed bill).

Eleventh: Amend Section 19 by inserting after the word "general" in line 293 of the printed bill (being line 4, page 16 of the engrossed bill), the words "and school."

Twelfth: Amend Section 24, by adding after the words "hereinafter provided" in line 334 of the printed bill (being line 24, page 17 of the engrossed bill), the following: "excluding and excepting therefrom, however, all lands already under irrigation or lands having water rights appurtenant thereto, or lands that can be irrigated from sources other than a District System, unless the owner of such land shall consent in writing to have such lands included in said Districts."

Thirteenth: Amend Section 26, by striking out in line 381 of the printed bill (being in line 24, page 19 of the engrossed bill), the words "impair unnecessarily" and inserting in lieu thereof the word "destroy."

Fourteenth: Amend Section 26 by striking out the words "occupy or," in line 388 of the printed bill (being in line 2, page 20 of the engrossed bill).

Fifteenth: Strike out all of Section 26, beginning with the words "and also" in line 391 of the printed bill (being line 6, page 20 of the

engrossed bill), and ending with the word "District" in line 393 of the printed bill (being in line 8, page 20 of the engrossed bill).

Fifteenth: Amend Section 28 by striking out all of lines 408 to 412, inclusive, of the printed bill (being all of lines 27 to 32, inclusive, of page 20 and line 1 of page 21 of the engrossed bill).

Seventeenth: Amend Section 29 by inserting after the word "made" in line 426 of the printed bill (being line 19, page 21 of the engrossed bill) the following: "nor shall such lease operate so as to deprive any owner or owners of land in such district of the use of water from such works upon such lands."

Eighteenth: Amend Section 35 by adding thereto the following: "provided, however, that lands already under irrigation or lands having water rights appurtenant thereto, or lands which can be irrigated from sources other than the district system, shall not be included within such districts, unless the owner of such lands shall consent in writing to have such lands included in said district."

Nineteenth: Amend Section 36 by inserting after the word "district" in line 465 of the printed bill (being line 7 of the engrossed bill on page 23) the following: "shall have the right to contract with the owner or owners of the right to the use of the water or waters in any such stream, creek, water-channel or course, for an exchange of water, and to supply him with water from the district system, which contract shall be in writing, signed and acknowledged by all the parties thereto, before some officer authorized to take acknowledgement, which acknowledgement shall be certified by such officer in the manner that deeds are now required to be certified to entitle them to be recorded, and shall be filed and recorded in the office of the Clerk and Recorder of the County in which the creek, stream, water channel or course is situated, and thereafter such districts."

Twentieth: Amend Section 36 by inserting after the word "had" in line 472 (being line 17, page 23 of the engrossed bill), the following: "so long as such water shall be replaced by a like quantity of water from such works, but the appropriating and taking of such water by the district shall never deprive such owner or lessee of the right to re-take and use the same, should such owner or lessee at any time be prevented from having or using a like quantity of water from such works."

Twenty-first: Amend Section 43 by inserting after the word "issued" in line 619 of the printed bill (being in line 20, page 30 of the engrossed bill) the following: "except upon such lands as may at any time be included in such districts on account of the exchange or substitution of water under the provisions of Section 36 of this Act, if any there be."

Twenty-second: Amend Section 46 by inserting after the word "district" in line 644 of the printed bill (being line 21, page 31 of the engrossed bill), the following: "except upon such lands as have been included in such district, on account of the exchange or substitution of water under the provisions of Section 36 of this Act if any there be."

Twenty-third: Amend Section 48 by inserting after the word "dis-

trict," in line 698 of the printed bill (being line 30, page 33 of the engrossed bill), the following: "except such lands as have been included within such district on account of the exchange or substitution of water, under the provisions of Section 36 of this Act."

Twenty-fourth: Amend Section 64 by striking out the whole thereof, and inserting the following: "Section 64. Whenever any written consent is required to be given by, or obtained from the owner or owners of any lands by any of the provisions of any of the sections of this Act, such written consent must be acknowledged before some officer authorized to take acknowledgements, and shall be filed and recorded in the office of the Clerk and Recorder of the County in which such lands are situated, and a certified copy thereof must be filed in the office of the Clerk of the Court in the county in which the proceedings for the organization of such district were instituted, but the provisions of this section shall not apply to any petition provided for by this Act; and all such petitions may be signed in any number of original parts with the same effect as though all signatures had been affixed to one instrument."

WHALEY, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

I move that the Steering Committee be requested by the House to make S. B. 18 a Special Order of business for Monday afternoon at 3:00 P. M.

EDGERTON.

Motion to lay on the table lost.

Original motion carried.

Norton moved that S. B. No. 18 with amendments be printed.

Motion carried.

#### NOTICES.

February 26, 1909.

By Committee on State Institutions: A bill authorizing the Governor to appoint a commission for certain purposes therein stated.

By Harbert: A bill for an Act prohibiting the selling, bartering, trading or giving away of intoxicating liquors, and providing for the submitting of said law to the qualified electors of the State for approval.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders set for 3:00 o'clock this afternoon. Largey in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 24, being: A bill for an Act to increase the duties of a Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau by Committees

and by Chambers of Commerce, Commercial Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federated Trade Unions, and other industrial associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriations by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said Bureau, beg leave to report having had the same under consideration and recommend the same be concurred in as amended.

Amend Section 1 by striking out in line 2 the words "prepare reports," and inserting in lieu thereof the words "publish an official Journal to be designated as 'Montana.'"

Amend Section 1 by striking out in line 3 the word "reports," and inserting in lieu thereof the words "Official Journal."

Amend Section 3 again to read as follows: "The Commissioner shall have authority to appoint in addition to the Chief Clerk not provided by law, an Assistant Clerk at a salary of eighteen hundred dollars per annum, to be paid in the same manner as other salaries are paid."

Amend Section 4 by adding to line 32 the following: "for the year 1909 and 1910."

Amend line 32, Section 4, by striking out "Five Thousand Dollars per annum" and insert in lieu thereof the words "twenty hundred dollars in 1909 and twenty-five hundred dollars in 1910."

SHOEMAKER.

Adopted.

#### MESSAGES FROM THE SENATE.

February 26, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bills No. 113, 73 and 69, having been read three several times, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

The following Senate Bills were read first and second times and referred.

S. B. No. 113, introduced by Romney, February 16, 1909: A bill for an Act entitled, "An Act creating a Commissioner of Horticulture providing his qualifications and duties, fixing the penalties for violation of this Act, and fixing his compensation, and relating to the protection of the industry of Horticulture; and repealing Section 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947 of the Revised Codes of Montana, 1907."

Referred to Committee on Horticulture.

S. B. No. 73, introduced by McCarthy, Feb. 1, 1909: A Bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana of 1907, concerning the investment of the funds of the State Normal School, Permanent University Funds, Per-



manent Agricultural College and Permanent School Funds."

Referred to Committee on State Institutions.

S. B. No. 69, introduced by Kessler, by request, Jan. 28, 1909: A bill for an Act to amend paragraph 3 of Section 899, Article VI, Chapter VI, of the Political Code, relating to taking the school census, and providing penalties.

Referred to Committee on Privileges and Elections.

## MOTIONS.

February 26, 1909.

Mr. Speaker:

I move that the Steering Committee be requested to place as a special order for 4 o'clock tomorrow afternoon Substitute for House Bill No. 182, being an Act to regulate Common Carriers and to provide for certain appliances, rules and regulations, looking to the safety of the Traveling Public and Employees upon Railroad Trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto.

BOGART.

Lost.

## THIRD READING OF HOUSE BILLS.

H. B. No. 61, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Byrnes, Clayberg, Connelly, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, MacGinniss, McCoy, Norton, Owenhouse, Shoemaker, Smith, Swick, Werner, White, Witmer, Mr. Speaker.—35.

Noes: Brewster, Butzerin, Christler, Cluston, Coit, Crouch, Frank, Garber, Gray, Hayes, Hutchinson, Maxwell, Metzel, Murray, O'Donnell, Pomeroy, Roy, Safley, Shaw, Thompson, Ward, Warren, Whaley, Wood, Woody.—25.

Absent and not voting: Burke, Cummings H. T., Eliel, Harbert, Hunter, Lehrkind, Mitchell, Pierson, Wilham.—11. Total, 71.

H. B. No. 100, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, White, Mr. Speaker.—47.

Noes: Elliott, Hanifen.—2.

Absent and not voting: Allen, Berkin, Christler, Clayberg, Crutchfield, Edgerton, Frank, Gibson, Hayes, Harbert, Hunter, Largey, Mitchell, McCoy, Norton, Pomeroy, Warren, Werner, Wilham, Witmer, Wood, Woody.—22. Total, 71.



H. B. No. 280, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Eliel, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker. Smith, Thompson, Swick, Ward, Warren, Whaley, White, Mr. Speaker.—49.

Noes: None.

Absent and not voting: Allen, Berkin, Christler, Clayberg, Crutchfield, Derry, Edgerton, Frank, Garber, Harbert, Hunter, Hutchinson, Largey, Mitchell, Norton, O'Donnell, Pomeroy, Werner, Wilham, Witmer, Wood, Woody.—22. Total, 71.

H. B. No. 223, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, White, Witmer, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Allen, Bogart, Christler, Clayberg, Crutchfield, Derry, Edgerton, Frank, Hunter, Hutchinson, Largey, Mitchell, Pomeroy, Werner, Wilham, Wood, Woody.—17. Total, 71.

H. B. No. 356, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hanifen, Hayes, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shoemaker, Ward, Warren, Whaley, White, Wilham.—39.

Noes: Butzerin, Cummings H. T., Duncan, Gibson, Gray, Groff, Hall, Hammond, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Maxwell, Safley, Shaw, Smith, Thompson, Swick, Werner, Witmer, Wood, Mr. Speaker.—23.

Absent and not voting: Allen, Burke, Christler, Connelly, Crutchfield, Harbert, Hunter, Pomeroy, Woody.—9. Total, 71.

### THIRD READING OF SENATE BILLS.

S. B. No. 67, title concurred in, was read a third time and concurred in by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti,

Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—57.

Noes: Frank, Jacobson, Shaw, Wood.—4.

Absent and not voting: Allen, Bogart, Butzerin, Crutchfield, Hunter, Maxwell, McCoy, O'Donnell, Swick, Woody.—10. Total, 71.

S. B. No. 30, title concurred in, was read a third time and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Allen, Coit, Crutchfield, Frank, Hayes, Harbert, Hunter, McCoy, Thompson, Warren.—10.

On motion House adjourned until 10:30 tomorrow, February 27, 1909.

Attest: CHAS. Z. POND, Chief Clerk.

## Fifty-Fifth Day.

Helena, Montana, February 27th, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

Steering Committee report for February 27, A. M.:

Senate Bills: Sub. 17, 49, 50, 51, 52, 56, 75, 86, 111; House Bills, 162, 244, 284, 288, 289, 306, 360, 372, Sub. H. B. 314, 263, 275, 317, 332, 338, Sub. H. B. 213, 208, 202, 267, 269, 296, 19, 27, H. J. R. 7, H. J. R. 9, H. B. 217.

MacGINNISS, Chairman.

February 26, 1909.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings, etc., having had under consideration S. B. No. 2, introduced by Selway, being a bill for an Act entitled, "An Act to provide for the deposit and dis-

bursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such institutions, to be known and designated as the interest and income funds of each of such institutions; reducing the appropriations made from the General Fund; and providing for reports of said Educational Institutions of all moneys received from appropriations made to them under the laws of the United States," recommend that the bill be amended as follows:

Strike out that part of Section 3, commencing with the word "and" in line 18 down to and including the word "institution" in line 24 1-2, and as amended placed on General Orders.

SHOEMAKER, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings, etc., having had under consideration S. B. No. 76, introduced by McCarthy, being: A bill for an Act relating to government, management, control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind, and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263 and 1264 of the Revised Codes of Montana of 1907, recommend that the bill be amended as follows:

Strike out the word "such" in line 50 and strike out the words "as may be conferred on said Board by the State Board of Examiners" in lines 52 and 53, and insert in lieu thereof the following: "Provided, that no single expenditure of contract in excess of \$250 for any purpose shall be made without first securing the approval of the Board of Examiners," and as amended placed on General Orders.

SHOEMAKER, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Printing beg leave to report H. Bs. Nos. 244, 357, 327, 380, 378, 227, 302 and 374 correctly printed.

O'DONNELL, Chairman.

February 27, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. Bs. Nos. 45, 83, 165, 209, 228, 231, and Sub. H. Bs. 52, 171, 210, 214 and 251 as correctly engrossed.

WARREN, Chairman.

February 27, 1909.

Mr. Speaker:

Your Committee on Highways, having had under consideration H. B.

No. 229 introduced by Kelsey, being: A bill for an Act entitled, "An Act constituting a Board of County Commissioners and Board of Viewers for altering or laying out highways, report back to the House and recommend that said bill do pass.

DOWLING, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Highways, having had under consideration H. B. No. 309, introduced by Owenhouse, being: A bill for an Act entitled, "An Act to provide for the permanent improvement of highways and for the levying of assessments upon lands benefited thereby, report back with the recommendation that it be amended by inserting on page 2, in line 6, after the word "highways" the following: "if in their judgment such improvement of such main highway would be of general benefit to the county," and by further amending said line 6, page 2, by striking out the word "shall" and inserting in lieu thereof the word "may," and that said bill so amended do pass.

DOWLING, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Highways, having had under consideration H. B. No. 131, introduced by Hall, being: An Act entitled, "An Act to amend Section 1344, and to repeal Section 1347 to Section 1355 inclusive, of the Revised Codes of Montana, relating to road taxes, report same back to the House with the recommendation that it be indefinitely postponed.

DOWLING, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 391, introduced by Kilgallon: A bill for an Act appropriating money for the payment of the deficiency claim for salary of the members of the Supreme Court and District Judges of the State for the quarter ending February 28, 1909, having had same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 390, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money to defray the expenses of the Joint Committee appointed to investigate the State Prison at Deer Lodge," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration H. B. No. 358, introduced by Whaley, being: A bill for an Act entitled, "An Act regulating the manufacture and sale of butter and other dairy products and the development of said industry in the State of Montana," unanimously recommend that the same be indefinitely postponed.

HAMMOND, Chairman.

Rejected.

On motion bill printed and placed on general orders.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following House Bills were to-day introduced, read first and second time and referred.

H. B. No. 393, by Committee on Appropriations: A bill for for an Act entitled, "An Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Orphans' Home at Twin Bridges, Montana."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 394, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Reform School at Miles City, Montana."

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 395, by Kilgallon: A bill for an Act appropriating money for the payment of deficiency claim for salary of the State Superintendent of Public Instruction of the State for the quarter ending February 28, 1909.

Read first time by title, second time at length and referred to Appropriation Committee.

H. B. No. 396, by Committee on Appropriations: A bill for an Act entitled, "An Act to appropriate the sum of Eight Hundred Dollars to pay C. S. Haire for services as architect on Reform School building.

Read first and second time and referred to Appropriation Committee.

H. B. No. 397, by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of the claims of certain persons for the expenses incurred transporting prisoners to the penitentiary during the years 1908 and 1909."

Read first time by title, second time at length and referred to Committee on Appropriations.

H. B. No. 398, by Harbert: A bill for an Act prohibiting the selling, bartering, trading or giving away of intoxicating liquors and providing for the submitting of said law to the qualified electors of the State for approval.

Referred to Committee on Privileges and Elections.

H. B. No. 399, by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled, "An Act authorizing the appointment by the Governor of a Commission to investigate the condition, financial and educational, of the various state educational institutions and others named therein, and to report to the Twelfth Legislative Assembly the result of their investigations, and to recommend to the Twelfth Legislative Assembly the enactment of such laws as will facilitate the proper financial and educational management of all of said institutions, providing for the compensation of said board and carrying an appropriation to cover the same.

Read first time by title, second time at length and referred to Committee on Appropriations.

### READING OF SENATE BILLS.

Substitute for Senate Bill No. 107, introduced by Judiciary Committee: A bill for an Act entitled, "An Act providing the conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana."

Read first and second time and referred to Judiciary Committee.

S. B. 118, introduced by Donlan: A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana by a legally qualified physician and surgeon to be designated and paid out of the general fund by the Board of County Commissioners of each county. The designation of such physician and surgeon to be approved by the State Board of Health."

Read first and second time and referred to Educational Committee.

S. B. 119, introduced by Albright: A bill for an Act entitled, "An Act to provide for an additional Judge for the Fifth Judicial District of the State of Montana so that there will hereafter be two Judges in said District."

Read first and second time and referred to Judiciary Committee.

### MESSAGES FROM THE GOVERNOR.

February 27, 1909.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana.

I have the honor to advise you that the following House Bills have been approved and deposited with the Secretary of State.

No. 97, an Act to provide for fire drills in schools of the State.

No. 118, an Act to amend Section 882 of the Revised Codes of Montana of 1907, relating to the letting of contracts by school trustees.

No. 140, an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending February 28, 1909.

No. 65, an Act to empower counties to establish and maintain public ferries and wharves, and to establish regulations therefor.



No. 42, an Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the Chaplain of the Soldiers' Home.

No. 87, an Act for the appropriation of money to pay the bounty claims of certain persons.

No. 156, an Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana.

No. 40, an Act to amend Sections 2054 and 2055 of the Revised Codes of Montana of 1907, relating to the letting of contracts by County Commissioners for the care, support and maintenance of the county poor.

No. 107, an Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof.

No. 110, an Act to amend Section 2746 of the Revised Codes of Montana, 1907, relating to licenses.

EDWIN L. NORRIS, Governor.

### MESSAGES FROM THE SENATE.

February 26, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was this day introduced, read first and second time and referred:

S. B. No. 127, by Edwards: A bill for an Act entitled, "An Act relating to the office of the State Treasurer, fixing the salary of the Deputy State Treasurer, and the compensation of the clerk."

Referred to Committee on Judiciary.

Respectfully,

NATHAN GODFREY, Secretary.

### THIRD READING OF HOUSE BILLS.

H. B. No. 281, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Berkin, Butzerin, Byrnes, Clayberg, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hutchinson, Jacobson, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, Norton, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—44.

Noes: Dowling.

Absent and not voting: Allen, Bogart, Brewster, Burke, Christler, Cluston, Coit, Crutchfield, Edgerton, Eliel, Garber, Hammond, Hayes, Harbert, Hunter, Kelsey, Kilgallon, King, Largey, Metzel, O'Donnell, Owenhouse, Safley, Shoemaker, Wilham, Woody.—26. Total 71.

H. B. No. 214, Title amended as follows, "Amend Section 1 by inserting after word 'town' in line 10 the words 'except paupers' and by inserting after the word 'person' in line 17 the words 'except paupers,'" was read a third time and passed by the following vote:

Ayes: Bogart, Berkin, Butzerin, Byrnes, Cluston, Crouch, Cummings

H. T., Cummings T. A., Derry, Dowling, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—43.

Noes: None.

Absent and not voting: Allen, Arnett, Brewster, Burke, Christler, Clayberg, Coit, Connelly, Crutchfield, Duncan, Edgerton, Eliel, Frank, Gibson, Hammond, Hayes, Harbert, Hunter, Kilgallon, King, Largey, Metzel, MacGinnis, Owenhouse, Safley, Shoemaker, Wilham, Woody.—28. Total 71.

H. B. No. 210, Title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Elliott, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, MacGinnis, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—48.

Noes: None.

Absent and not voting: Brewster, Burke, Coit, Crutchfield, Duncan, Eliel, Frank, Gibson, Groff, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Largey, Matzel, Murray, Owenhouse, Safley, Shoemaker, Wilham, Woody.—23. Total 71.

H. B. No. 171, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—47.

Noes: None.

Absent and not voting: Allen, Brewster, Butzerin, Clayberg, Coit, Crutchfield, Derry, Duncan, Gibson, Gray, Groff, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Largey, Metzel, Owenhouse, Safley, Shoemaker, Wood, Woody.—24. Total 71.

H. B. No. 209, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Burns, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Jacobson, Lehrkind, Lowney, Mitchell, MacGinnis, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wood, Mr. Speaker.—43.

Noes: Witmer.—1.

Absent and not voting: Allen, Brewster, Berkin, Burke, Butzerin, Coit, Crutchfield, Derry, Duncan, Eliel, Gray, Groff, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Maxwell, Metzel, Murray, Owenhouse, Shoemaker, Wilham, Woody.—27. Total 71.

H. B. No. 237, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Elliott, Frank, Gibson, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Lehrkind, Maxwell, Mitchell, Murray, MacGinnis, McCoy, O'Donnell, Pierson, Pomeroy, Safley, Shaw, Smith, Thompson, Ward, Whaley, Werner, Witmer, Wood, Mr. Speaker.—42.

Noes: Garber, Lowney, Roy, Swick, Warren, White.—6.

Absent and not voting: Allen, Brewster, Burke, Coit, Crutchfield, Derry, Duncan, Eliel, Giovanetti, Gray, Hayes, Harbert, Hunter, Kelsey, Kilgallon, King, Largey, Metzel, Norton, Owenhouse, Shoemaker, Wilham, Woody.—23. Total 71.

H. B. No. 52, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Butzerin, Byrnes, Christler, Cluston, Connelly, Crouch, Cummings H. T., Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinnis, McCoy, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—45.

Noes: Dowling, Warren.—2.

Absent and not voting: Allen, Brewster, Burke, Clayberg, Coit, Crutchfield, Cummings T. A., Derry, Duncan, Eliel, Gray, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Largey, Metzel, Norton, Owenhouse, Shoemaker, Wilham, Woody.—24. Total 71.

H. B. 251, Title approved as amended; amend substitute for House Bill 251 by striking out in Section 2, after the words "birds" in line 7 of the printed bill, the following, to-wit: "of this State must first obtain a license therefor by paying the officer issuing such license the sum of One Dollar (\$1.00) and every person who is a citizen of the United States" and to insert before the word "who" after the word "states" in line 9 the word "and" was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinnis, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—49.

Noes: Gibson, Wood.—2.

Absent and not voting: Allen, Brewster, Burke, Coit, Crutchfield, Duncan, Eliel, Gray, Hunter, Hayes, Harbert, Kilgallon, King, Largey,

Metzel, Owenhouse, Safley, Shoemaker, Warren, Wilham, Woody.—20. Total 71.

H. B. No. 231, Title approved, was read a third time and passed by the following vote:

Ayes: Bogart, Brewster, Burke, Butzerin, Christler, Cluston, Cummings T. A., Derry, Edgerton, Eliel, Giovanetti, Hall, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, Maxwell, Metzel, MacGinnis, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Shoemaker, Smith, Thompson, Ward, Warren, Werner, Wilham, Woody, Mr. Speaker.—35.

Noes: Arnett, Berkin, Byrnes, Clayberg, Crouch, Cummings H. T., Dowling, Elliott, Garber, Groff, Hanifen, Jacobson, Lehrkind, Lowney, Mitchell, Roy, Shaw, Swick, White, Witmer, Wood.—21.

Absent and not voting: Allen, Coit, Connelly, Crutchfield, Duncan, Frank, Gibson, Gray, Hammond, Hayes, King, Largey, Murray, Safley, Whaley.—15. Total 71.

H. B. No. 45, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Cummings H. T., Derry, Dowling, Edgerton, Eliel, Giovanetti, Groff, Hall, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Wood, Mr. Speaker.—43.

Noes: Crouch, Elliott, Garber, Whaley, Witmer.—5.

Absent and not voting: Allen, Bogart, Christler, Coit, Connelly, Crutchfield, Cummings T. A., Duncan, Frank, Gibson, Gray, Hammond, Hayes, Hunter, Kilgallon, King, Largey, Metzel, MacGinnis, Owenhouse, Safley, Shoemaker, Woody.—23. Total 71.

H. B. 83, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Elliott, Garber, Giovanetti, Groff, Hall, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Murray, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Witmer, Wood, Mr. Speaker.—43.

Noes: Burke, Derry.—2.

Absent and not voting: Allen, Christler, Clayberg, Coit, Connelly, Crutchfield, Duncan, Eliel, Frank, Gibson, Gray, Hammond, Hayes, Hunter, Kilgallon, King, Largey, Maxwell, Metzel, Mitchell, MacGinnis, Owenhouse, Safley, Whaley, Wilham, Woody.—26. Total 71.

H. B. No. 228, Title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Cummings H. T., Cummings T. A., Dowling, Edgerton, Elliott, Garber, Giovanetti, Groff, Hall, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Maxwell, Mitchell, Murray, McCoy, Norton, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wood, Mr. Speaker.—41.

Noes: Crouch, Lowney, O'Donnell, Whaley, Witmer.—5.

Absent and not voting: Allen, Christler, Clayberg, Coit, Connelly, Crutchfield, Derry, Duncan, Eliel, Frank, Gibson, Gray, Hammond, Hayes, Hunter, Kilgallon, King, Largey, Lehrkind, Metzel, MacGinnis, Owenhouse, Safley, Wilham, Woody.—25. Total 71.

On motion, House recessed until 2:00 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll Call. Quorum present.

H. B. No. 253, Title approved, was read a third time and passed by the following vote:

Ayes: Bogart, Berkin, Burke, Byrnes, Crouch, Cummings T. A., Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hanifen, Hunter, Hutchinson, Kilgallon, King, Lehrkind, Murray, MacGinnis, McCoy, O'Donnell, Owenhouse, Pierson, Safley, Ward, Warren, Whaley, Mr. Speaker.—30.

Noes: Arnett, Christler, Clayberg, Cluston, Connelly, Cummings H. T., Derry, Dowling, Edgerton, Gray, Hall, Hammond, Harbert, Kelsey, Maxwell, Metzel, Norton, Pomeroy, Roy, Shaw, Shoemaker, Swick, Werner, White, Witmer, Wood.—26.

Absent and not voting: Allen, Brewster, Butzerin, Coit, Crutchfield, Gibson, Hayes, Jacobson, Largey, Lowney, Mitchell, Smith, Thompson, Wilham, Woody.—15. Total 71.

#### REPORTS OF STANDING COMMITTEES.

February 27, 1909.

Mr. Speaker:

Your Committee on Conservation of Resources, to whom was referred House Bill No. 185, introduced by Committee on State Lands, being: A bill for an Act entitled, "A bill for an Act providing for the management and control of the lands now owned or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection and disposition of the timber growing thereon and the coal, oil and minerals therein, providing for the management and control of the funds realized from the sale and rental of State Lands and the product thereof, naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation, providing for the acquisition of water rights for the use upon State Lands and the defining and providing for the punishment of certain offences for violating the provisions of this Act," having had the same under consideration, recommend that it be indefinitely postponed for the reason that the same bill was introduced from the Senate by the Committee on Public Lands, being S. B. No. 59, which has been passed by the Senate with some amendments and has been considered by this Committee and reported back to the House.

CLAYBERG, Chairman.

Report adopted.



February 27, 1909.

Mr. Speaker:

Your Committee on Conservation and Resources, having had under consideration S. B. No. 59, introduced by the Committee on Public Lands, being: A bill for an Act entitled, "An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana including the sale and rental thereof, and the management, protection and disposition of the timber growing thereon and the coal, oil and mineral therein, providing for the management and control of the funds realized from the sale and rental of the State lands and the products thereof, naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation, providing for the acquisition of the water rights for use upon State lands, and defining and providing for the punishment of certain offences for violating the provisions of this Act," respectfully report same back to the House with the recommendation that it be placed on General Orders.

CLAYBERG, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Printing beg leave to report H. Bs. Nos. 372, 370, 364, 331, 365, 288, 367, 366, 301 and Sub for 132, and 149, correctly printed.

O'DONNELL, Chairman.

February 27, 1909.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings, etc., having had under consideration S. B. No. 73, introduced by McCarthy, being: A bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana of 1907, concerning the investment of the funds of the State Normal School, Permanent University Funds, Permanent Agricultural College and Permanent School Funds," report the same back with the recommendation that it be concurred in.

SHOEMAKER, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

We, the undersigned, constituting the minority members of your Committee on Judiciary, having had under consideration H. B. No. 354, introduced by McCoy, being: A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, 1907, relating to the salary and mileage of Court Stenographers," respectfully report the same back to the House with the recommendation that it do pass.

CLAYBERG,  
POMEROY,  
DUNCAN.  
WOODY.



Motion to adopt minority report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 254, being: A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, 1907, relating to the salary and mileage of Court Stenographers," having had the same under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Motion to table lost.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 103, being: A bill for an Act entitled, "An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, of 1907, being Sections 370 and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of the District Courts, their duties, qualifications and compensation," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be not concurred in.

FRANK, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 373, being: A bill for an Act entitled, "An Act to provide for the taxation of personal property," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 108, being: A bill for an Act entitled, "An Act requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be not concurred in.

FRANK, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 48, being: A bill for an Act to amend Section 843 of the Revised Codes

of Montana of 1907, relating to the division of funds, property and debts between old and new school districts, having had said bill under consideration, beg leave to report the same back to the House with the recommendation that it be concurred in.

FRANK, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 329, being: A bill for an Act entitled, "An Act to regulate the issuance of licenses of retail liquor dealers in counties and in any city, town, village, camp or township therein," having had said bill under consideration, beg leave to report same back to the House with the recommendation that same be indefinitely postponed, for the reason that the same has heretofore been covered.

FRANK, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 86, being: A bill for an Act to provide for the establishment of grades for streets in unincorporated towns and to pay the expenses thereof," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it do pass after being amended as follows:

Amend said bill by striking out Section 4 thereof, and renumbering the remaining sections to correspond thereto.

Amend Section 6 of said bill by striking out all of said section beginning with the word "provided" in line 10 on page 3 thereof, and ending with the word "petition" on page 4 of said bill.

FRANK, Chairman.

Report adopted.

February 25, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 337, being: A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgment in criminal cases," having had said bill under consideration, beg leave to report same back to the House with the recommendation that it be indefinitely postponed.

FRANK, Chairman.

Report adopted.

February 26, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. B. No. 253 as correctly engrossed.

WARREN, Chairman.

February 27, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report Senate amendments to S. B. No. 24, as amended, correctly engrossed.

WARREN, Chairman.

February 27, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 323, 379, 369, H. J. Res. 13, 271, 386 and 389 correctly printed.

O'DONNELL, Chairman.

Moved that the report of Committee on Senate Bill 62 on Mines and Mining be reconsidered. Motion carried.

Substitute motion, moved that the Substitute Minority report be adopted. Motion carried.

February 27, 1909.

Mr. Speaker:

We, the minority of your Committee on Mines and Mining, having had under consideration S. B. No. 62, beg leave to report the same back to the House with the recommendation that it be concurred in.

BERKIN.

KILGALLON.

WHITE.

Adoption Minority Report on S. B. No. 62:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Hall, Hammond, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Maxwell, Metzel, Murray, MacGinnis, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Butzerin, Coit, Crutchfield, Edgerton, Gibson, Giovanetti, Gray, Groff, Hanifen, Hayes, Harbert, Largey, Lowney, Mitchell, Roy, Woody.—19. Total 71.

Moved by Eliel that S. B. No. 62 be recalled from the Senate. Motion carried.

#### MESSAGES FROM THE SENATE.

February 26, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. Bs. Nos. 198, 220, 234, 148, 153, 94, 218, 233 and Sub. for H. B. No. 172, having been read three several times and concurred, are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 26, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were this day introduced, read first and second time and referred:

S. B. No. 128, by Donlan: A bill for an Act entitled, "An Act to amend Section 1 of an Act relating of the granting of franchises by cities and towns and providing a submission of the question of granting any franchises to the resident free holders whose names shall appear on the city or county tax roll preceding such election," etc.

Referred to Committee on Towns, Counties and Municipal Corporations.

S. B. No. 129, by McCarthy: A bill for an Act entitled, "An Act to establish, locate and construct a state road and to employ convicts in the construction and maintenance thereof."

Referred to Committee on Roads, Highways and Bridges.

Respectfully,

NATHAN GODFREY, Secretary.

February 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that at the request of the House H. B. 158 was recalled from Committee on Education in the Senate and the Secretary instructed to return same bill to the House, and is herewith returned.

Also H. B. 241, on being read first time, a motion for further consideration and indefinite postponement was carried, and H. B. 241 is herewith returned.

Also H. B. 243, report from Committee on Stock Growing and Grazing, with recommendation that it be not concurred in, report adopted, and H. B. 243 is herewith returned.

Also H. B. 158.

Respectfully,

NATHAN GODFREY, Secretary.

February 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that S. Bs. 118, 119 and Sub. for S. B. 107, having been read three several times and passed, and are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

February 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. B. No. 215, having been read three several times and concurred in, is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

February 27, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. Bs. Nos. 310, 160 and 38, having been read three several times and concurred in as amended, are herewith returned to the House for concurrence in Senate amendments.

Respectfully,

NATHAN GODFREY, Secretary.

February 27, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I herewith return H. B. No. 47, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to the proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted," without my approval, and with my objections thereto.

This bill amends Section 7359 of the Revised Codes of Montana of 1907, being Section 2253 of the Code of Civil Procedure adopted in 1895, adopted in two particulars:

1. It reduces from twenty to ten years the time within which persons claiming escheated estates may commence proceedings:

2. The following provision is added: "It is further provided, however, that any person claiming the proceeds of the sale of escheated property which has been deposited or paid into the State Treasurer of the State of Montana at any time within twenty years prior to the passage of this Act, shall have at least two years after the passage of this Act in which to file his petition for the recovery of such proceeds as hereinabove provided."

The action of the Legislative Assembly in reducing the time from twenty to ten years seems to me wise, but having deemed it advisable to thus reduce the period within which future actions may be commenced, the wisdom of permitting a revival of actions that have been for more than ten years barred is not apparent.

The effect of the last named provision or addition to the present law would be to permit actions against the State for the recovery of proceeds of property escheating to the State prior to 1895. Under the provisions of Section 554 of the Probate Practice Act, Compiled Statutes of 1887, in force previous to July 1st, 1895, property for which there appeared no legal heir was disposed of and the proceeds deposited with the State or Territorial Treasurer, and such proceeds were by him held for the period of five years. If unclaimed within that period, the proceeds were turned over to the General Fund and by the State expended as were other moneys belonging to the General Fund.

H. B. No. 47, if approved to-day, would permit actions to recover all proceeds of property which had fully escheated to the State between February 27, 1889, and July 1st, 1895.

I can see no justice or equity in subjecting the State to an action

for recovery after proceeds of property have fully escheated to the State according to law.

EDWIN L. NORRIS, Governor.

Roll call on the question: Shall H. B. No. 47 be passed notwithstanding the Governor's veto?

Ayes: Duncan, Gibson, Jacobson, Pomeroy, White.—5.

Noes: Arnett, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Cummnigs, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Gray, Groff, Hall, Hammond, Hanifen, Hunter, Hutchinson, Kelsey, Kilgallon, King, Lehrkind, Maxwell, Metzel, Mitchell, Murray, MacGinnis, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, Wilham, Witmer, Wood.—57.

Absent and not voting: Allen, Coit, Crouch, Crutchfield, Giovanetti, Hayes, Harbert, Largey, Lowney, Woody.—9. Total 71.

On motion of Eliel, House resolved itself into Committee of the Whole for the consideration of General Orders.

O'Donnell in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the Chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. Sub. for S. B. No. 17, introduced by House Judiciary Committee, being: A bill for an Act to amend Section 6315 of the Revised Codes of Montana concerning disqualification of judges, beg leave to report having had the same under consideration and recommend the same do pass.

Also, S. B. No. 49: A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also S. B. No. 50: A bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana, of 1907, relating to the powers and duties of the State Coal Mine Inspector, beg leave to report having had the same under consideration and recommend that the same be concurred in.

S. B. No. 51, being: A bill for an Act entitled, "An Act to create a board of examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribing the qualifications of applicants, and prescribing the rights and duties and fixing the compensation of such board of examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana," beg leave to report having had the same under consideration and recommend the same be concurred in.

Also, S. B. No. 52, being: A bill for an Act entitled, "An Act to provide for the appointment of boards of examiners for applicants for certain positions in and around coal mines, prescribing their duties and



term of office, and providing for the salaries of such boards," beg leave to report having had the same under consideration and recommend the same be concurred in.

Also, S. B. No. 56, being: A bill for an Act entitled, "An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for coal miners and employees and coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act," beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also, S. B. No. 75, being: A bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana, beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also, S. B. No. 86, being: A bill for an Act entitled, "An Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duty," beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also, S. B. No. 111, being: A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime; to employ or authorize the employment of Stock Inspectors, and to employ or authorize the employment of special counsel in criminal actions and in actions in which the county is a party," beg leave to report having had the same under consideration and recommend the same be concurred in as amended.

Also, Sub. for H. B. No. 314, being: A bill for an Act entitled, "An Act making appropriations for the Executive and Judicial Departments of the State Government for two years, namely, from February 28, 1909, to February 28, 1910, and from February 28, 1910, to February 28, 1911," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

Amend Substitute for H. B. No. 314, at line 30, page 2, by inserting the words, "for official bond of the State Treasurer, the sum of Two Thousand Dollars."

Committee on Appropriations.

Amend Substitute for H. B. No. 314 as follows: Amend line 32, page 2, printed bill, by striking out the words "State Auditor and" so that it will read "For salary of Deputy Insurance Commissioner, Two Thousand One Hundred Dollars."

Committee on Appropriations.

Amend Substitute for H. B. No. 314 as follows: Amend line 37, page 2, printed bill, by striking out the words "Insurance Clerk" and inserting in lieu thereof the words "Deputy State Auditor," so that the

line will read "For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars."

Committee on Appropriations.

Amend Substitute for H. B. No. 314 after line 63, page 3, by inserting "For salary of Secretary of State Railroad Commission, Three Thousand Dollars."

"For salary of stenographer of Railroad Commission, One Thousand Two Hundred Dollars."

Also, amend line 65, by striking out the words "Thirteen Thousand Dollars," and inserting in lieu thereof the words "Eight Thousand Eight Hundred Dollars."

Committee on Appropriations.

Amend Section 1 by striking out in line 122 the word "one" and inserting in lieu thereof the word "two."

Amend Substitute for H. B. No. 314 by inserting after line 128, page 6, of printed bill, the following words: For extra clerical hire Legislative Reference Department, Three Hundred Dollars."

Also to amend line 313, page 13, by striking out the word "Six" and inserting in lieu thereof the word "Three."

Amend Sub. for H. B. 314, line 150 and line 151, by striking out the words "Five Hundred" and inserting in lieu thereof the words "Eight Hundred."

Amend Section 1 and to amend line 51 and to add thereto the following: "For the salary of the third assistant \$1800.00; and for the salary of the fourth assistant \$1800.00."

Amend Sub. for H. B. No. 314 by adding thereto after the words "For Stock Inspector and Detective Fund, Ten Thousand Dollars," line 172 the following words: "For Live Stock Sanitary Board Fund, Five Thousand Dollars."

Amend Sub. for H. B. No. 314 by inserting the words between line 187 and 188 on page 8: "For printing Montana Reports, Two Thousand Seven Hundred Dollars."

Amend Sub. for H. B. No. 314 by adding thereto after the words "For salary of Stenographer of the State Treasurer, One Thousand Two Hundred Dollars," on page 9, line 213, the words "For official bond of the State Treasurer the sum of Two Thousand Dollars."

Amend Sub. for H. B. 314 as follows: Amend line 216, page 10, printed bill, the words "State Auditor and," so that it will read "For salary of deputy Insurance Commissioner, Two Thousand One Hundred Dollars."

Amend Sub. for H. B. 314 as follows: Amend line 222, page 10, printed bill, by striking out the words "Insurance Clerk," and inserting in lieu thereof the words "Deputy State Auditor," so that the line will read "For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars."

Amend Sub. for H. B. 314 as follows: Amend line 223, page 10, printed bill, by adding the words "and traveling" after the word "office," so that the line will read "For office and traveling expense of State Auditor, Two Thousand Dollars."

Amend Sub. for H. B. 314 after line 249, page 11, by inserting the words "For salary of Secretary of State Railroad Commission, Three Thousand Dollars," "For salary of Stenographer of Railroad Commission, One Thousand Two Hundred Dollars."

Also amend 251, page 11, by striking out the words "Thirteen Thousand Dollars" and inserting in lieu thereof the words "Eight Thousand Eight Hundred Dollars."

Also amend line 336 and line 337 by striking out the words "Five Hundred" and inserting in lieu thereof the words "Eight Hundred."

Amend Section 2 in line 336 by striking out the words "One Thousand Five Hundred Dollars" and inserting therein the words "\$1800.00," and to amend line 337 by striking out the words "\$1500.00" and inserting therein the words "\$1800.00" and add thereto the following: "For the salary of the Third Assistant \$1800.00; for the salary of the Fourth Assistant \$1800.00."

Amend Sub. for H. B. 314 by adding thereto after the words "For Stock Inspector and Detective Fund, Twenty Thousand Dollars," line 357, the following words: "For Live Stock Sanitary Board Fund, Five Thousand Dollars."

Amend Sub. for H. B. 314 by inserting the following words after line 372, page 16: "For Printing Montana reports, One Thousand Eight Hundred Dollars."

On motion House adjourned until 10:00 o'clock, Monday morning, March 1st, 1909.

Attest CHAS. Z. POND, Chief Clerk.

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## Fifty-Seventh Day.

Helena, Montana, March 1st, 1909.

House met pursuant to adjournment at 10:00 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

Steering Committee report for March 1st A. M.: Old list just as it is except 306 after 275. S. B. 2, 76, H. Bs. 227, 315, 248, 270, 272, 273, 366, 386, 363, 364, 365, 367, 343, 322, S. B. 18 Special Order 3 P. M. March 1st 1909.

MacGINNISS, Chairman.

Mr. Chief Clerk:

We, the Steering Committee agree to have H. B. 126 Sub. for 24 and 32 be placed on General Orders.

BYRNES,  
BURKE,  
CUMMINGS.

By an error H. B. 364 has been reported on General Oredrs instead of 368. Have this corrected for March 1st, 1909.

BYRNES,  
CUMMINGS.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 9, a bill for an Act entitled, "An Act appropriating money for improvements and additions at the State School for the Deaf, Blind and Feeble-Minded at Boulder, Montana, and for the completion of tunnels, making additions to the engine house and laundry, and for the erection of fire escapes and a system of water works at the said school;" and also H. B. No. 16, a bill for an Act entitled, "An Act appropriating money to be used at the Orphans' Home at Twin Bridges, Montana, for the completion of nursery building, the partitioning of the attic in the main building, constructing a cow barn and also a heating plant for the school building, and assembly room, and equipping same, building sidewalks and fencing and reconstructing the water tank and the laying of tile and hardwood floors, the equipping of the several buildings of the institution with hot water pipes and facilities for furnishing hot water and for purchasing and installing furniture for said institution";

And also H. B. No. 22, a bill for an Act entitled, "An Act appropriating money for improvements on the ranch of the State School for Deaf, Blind and Feeble Minded at Boulder, Montana, and for the erection of a dairy barn, poultry house, and fencing on said ranch."

And also Sub. for H. B. No. 119: A bill for an Act entitled, "An Act making appropriations for the protection of the live stock industry in the State of Montana, and to defray the expenses incurred therefor for the fiscal years ending November 30, 1909, and November 10, 1910."

And also H. B. No. 180: A bill for an Act entitled, "An Act appropriating money for the purchase and improvement of grounds for the Montana State School of Mines located at Butte, Montana."

And also H. B. No. 193: A bill for an Act entitled, "An Act to create and establish a law school to be conducted and operated as a department of the University of Montana, and to make an appropriation therefor."

And also H. B. No. 260, a bill for an Act entitled, "An Act to establish a Sub-Exerimental Station in Sweet Grass County, Montana, and providing for the acquisition or acceptance of title to the lands for the same and the direction thereof and appropriating money therefor."

And also, H. B. No. 262, a bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand stand of the Montana State Fair."

And also, H. B. No. 299, a bill for an Act entitled, "An Act appropriating money for the furnishing of the Library Building of the State University at Missoula, Montana."

And also H. B. No. 318, a bill for an Act entitled, "An Act to provide for an appropriation of Three Thousand Dollars to be used in carrying on the work of the Experimental Sub-Station for dry land farming in Cascade County, Montana."

And also H. B. No. 230, a bill for an Act entitled, "An Act to provide for the payment to Edgar Wagner of the sum of One Thousand dollars for reimbursement of moneys deposited as evidence of good faith in bidding upon contracts."

And also H. B. No. 346, a bill for an Act entitled, "An Act to repeal Sections 1905 and 1906, 1907 of the Revised Political Code of Montana and enacting in lieu thereof Sections to be numbered 1905, 1906, 1907, 1907a, 1907b, 1907c, 1907d, 1907e, 1907f, 1907g, providing for the appointment of a State County Inspector, prescribing his duties and compensation and to amend Sections 1904, 1911 and 1912 of the Revised Political Code of Montana";

And also H. B. No. 361, a bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes by inoculating the same with mange and to place such duties under the charge of the State Veterinary and to make an appropriation for such experiment";

And also H. B. No. 112, a bill for an Act entitled "An Act providing for the appointment of a commission, making an appropriation and providing for the exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in the year 1909,"

Having had the same under consideration recommend that each and all thereof be indefinitely postponed.

KILGALLON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 117, a bill for an Act entitled "An Act making an appropriation for buildings, live stock and improvements on the sub-station of the Agricultural College in Fergus County";

Also H. B. No. 128, a bill for an Act entitled "An Act appropriating money for the construction of a farm house, for the purchase of implements and trees for the Horticultural Sub-Experimental Station in Ravalli County";

Also H. B. No. 183, a bill for an Act entitled "An Act appropriating money for certain buildings and improvements at the Experiment Station at Bozeman, Montana";

Also H. B. No. 187, a bill for an Act entitled "An Act to appropriate Five Thousand Dollars for improvements at the State Reform School,"

Having had same under consideration recommend that each and all thereof be indefinitely postponed.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 246, a bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons



for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana," having had the same under consideration, recommend that the substitute therefor do pass.

KILGALLON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 400, a bill for an Act entitled, "An Act making appropriations for the State Institutions of Montana for the period ending February 28, 1909, and February 28, 1911," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 401, a bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claims for public printing for this year ending February 28, 1909," having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred S. B. No. 79, a bill for an Act entitled, "An Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts when investigating the cause and cure of spotted fever," having had same under consideration recommend that the same be concurred in with the following amendment:

Amend Section 1 by striking out the words and figures "Six Thousand Dollars (\$6000.00)" and insert in lieu thereof the words and figures "Two Thousand Dollars (\$2000.00.)"

KILGALLON, Chairman.

Adopted.

February 26, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 296, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act to appropriate the sum of Eight Hundred Dollars to pay C. S. Haire for services as Architect on Reform School Building," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 397, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of the claim of



certain persons for the expenses incurred transporting Prisoners to the Penitentiary during the years 1908 and 1909," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 395, introduced by Kilgallon, a bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claim for salary of the State Superintendent of Public Instruction of the State for the quarter ending February 28, 1909," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 385, a bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the State and Deputy State Veterinary Surgeon in Custer and Carbon Counties, Montana," having had the same under consideration recommend that it do pass with the following amendments:

First: Amend Section 1 by striking out the words and figures "Eight Thousand Two Hundred (\$8,200.00) Dollars," and insert in lieu thereof the words and figures "Seven Thousand Eight Hundred and Fifty (\$7,850.00) Dollars."

Second: Amend Section 1 by striking out the figures "700.00" and insert in lieu thereof the figures "350.00."

KILGALLON, Chairman.

Report adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 194, a bill for an Act entitled "An Act to provide for the collection and display of an exhibit of resources and products of the State of Montana at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, 1909, and providing an appropriation therefor," having had the same under consideration recommend that it do pass with the following amendment:

Amend Section 7 by striking out the words "Thirty Thousand" and insert in lieu thereof the words "Five Hundred."

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 399, introduced by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled, An Act authorizing the appoint-

ment by the Governor of a Commission to investigate the conditions, financial and educational, of the various State Educational Institutions and others named therein, and to report to the Twelfth Legislative Assembly the result of their investigation, and to recommend to the Twelfth Legislative Assembly the enactment of such laws as will facilitate the proper financial and educational management of all of said Institutions, providing for the compensation of said Board and carrying an appropriation to cover the same," having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 10, a bill for an Act appropriating money for the erection, furnishing and equipment of a hospital and domestic science building at the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana, also for the construction of a tunnel connecting it with the water supply, heating plant and with the other buildings and for sewerage system therefor," having had the same under consideration, recommend that the substitute therefor do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 393, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Orphans' Home at Twin Bridges, Montana," having had the same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

February 27, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred H. B. No. 394, introduced by the Committee on Appropriations a bill for an Act entitled, "An Act appropriating money to defray the expenses of a Joint Committee appointed to investigate the State Reform School at Miles City, Montana," having had same under consideration recommend that it do pass.

KILGALLON, Chairman.

Adopted.

#### INTRODUCTION AND READING OF HOUSE BILLS.

The following bills were introduced, read first and second time and referred:

Sub. for H. B. No. 10, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the erection,

furnishing and equipment of a hospital at the Montana State School for the Deaf, Blind and Feeble Minded, at Boulder, Montana."

Referred to Printing Committee.

Sub. for H. B. No. 246, introduced by Committee on Appropriations: A bill for an Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.

Referred to Printing Committee.

H. B. No. 400, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act making appropriations for the State Institutions of Montana for the period ending February 28, 1910, and February 28, 1911."

Referred to Appropriation Committee.

H. B. No. 401, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claims for public printing for the year ending February 28, 1909."

Referred to Appropriation Committee.

### THIRD READING OF SENATE BILLS.

S. B. No. 24, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lowney, Maxwell, Metzel, Murray, Norton, O'Donnell, Pierson, Pomeroy, Safley, Shoemaker, Smith, Swick, Ward, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—44.

Noes: Cluston, Duncan, Elliott, Gibson, Groff, Lehrkind, McCoy, Owenhouse, Roy, Whaley.—10.

Absent and not voting: Brewster, Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Frank, Hayes, King, Largey, Mitchell, MacGinniss, Shaw, Thompson, Warren, Woody.—17. Total, 71.

S. B. No. 50, title approved was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.

Noes: None.

Absent and not voting: Burke, Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Gray, Hammond, Hayes, Hutchinson, King, Largey, Mitchell, MacGinniss, McCoy, Norton, Woody.—18. Total, 71.

S. B. No. 49, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Gibson, Giovanetti, Gray, Groff,

Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Garber, Hayes, Kilgallon, King, Largey, Mitchell, MacGinniss, Safley, Woody.—15. Total, 71.

S. B. No. 51, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Elliott, Frank, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Christler, Clayberg, Coit, Connelly, Crutchfield, Edgerton, Eliel, Garber, Gray, Hayes, King, Largey, Mitchell, MacGinniss, Woody.—15. Total, 71.

S. B. No. 52, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Byrnes, Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Garber, Hayes, King, Largey, Mitchell, MacGinniss, Woody.—14. Total, 71.

S. B. No. 56, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Kilgallon, Lehrkind, Lowney, Maxwell, Murray, Norton, O'Donnell, Owenhouse, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—54.

Noes: Connelly, Pierson.—2.

Absent and not voting: Byrnes, Christler, Clayberg, Crutchfield, Eliel, Frank, Garber, Hayes, King, Largey, Mitchell, MacGinniss, McCoy,

Pomeroy, Woody.—15. Total, 71.

S. B. No. 75, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Berkin, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kilgallon, Lehrkind, Lowney, Metzel, Murray, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Christler, Clayberg, Crutchfield, Gray, Hayes, King, Largey, Maxwell, Mitchell, MacGinniss, O'Donnell, Woody.—12. Total, 71.

On motion of Burke, that the rules be suspended and H. Bs. Nos. 310 and 160 be placed on third reading,

Roll call was demanded and the motion lost by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Clayberg, Cluston, Connelly, Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Frank, Giovanetti, Hanifen, Kilgallon, Lowney, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shoemaker, Swick, Ward, Werner, White, Woody, Mr. Speaker.—34.

Noes: Butzerin, Coit, Crouch, Cummings H. T., Derry, Duncan, Garber, Gibson, Groff, Hall, Hammond, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Pomeroy, Safley, Shaw, Smith, Thompson, Warren, Whaley, Witmer, Wood.—27.

Absent and not voting: Christler, Crutchfield, Gray, Hayes, King, Largey, Lehrkind, Mitchell, MacGinniss, Wilham.—10. Total, 71.

S. B. No. 86, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Lowney, Metzel, Murray, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Christler, Crutchfield, Edgerton, Giovanetti, Gray, Hayes, Kilgallon, King, Largey, Lehrkind, Maxwell, Mitchell, MacGinniss, McCoy, Wilham, Woody.—16. Total, 71.

## REPORTS OF STANDING COMMITTEES.

March 1, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 336, 371, 162, 109, 381, 313, 375, 340, 387, 383, H. J. Mem. 12, Sub. 29, and



S. B. 18, correctly printed.

O'DONNELL, Chairman.

March 1, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 291, being: A bill for an Act entitled, "An Act to make Foreign Corporations and Joint Stock Companies, Corporations and Joint Stock Companies of this State for purposes of jurisdiction and to make the stocks and shares of such corporations subject to attachment the same as the stock and shares of Domestic Corporations are now subject to attachment under the laws of this State," having had said bill under consideration, beg leave to report the same back to the House with the recommendation that same do pass.

FRANK, Chairman.

Adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 55, being: A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Codes of Montana, 1907, relating to the sale of Real Estate for delinquent taxes," having had said bill under consideration, beg leave to report same back to the House with the recommendation that the same be concurred in.

FRANK, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration House Concurrent Resolution No. 4, in reference to increase of assessment on Railroad Property, report the same back to the House and respectfully recommend that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Steering Committee hereby direct that House Bills Nos. 310 and 160 be placed at the head of General Orders for consideration today.

BURKE.

March 1, 1909.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Warren in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 310, being a bill for an Act entitled, "An Act relating to Trusts, Monopolies,



and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities and fixing the punishment for infractions of the provisions thereof," beg leave to report having had the same under consideration and recommend the Senate amendments be concurred in and as amended H. B. No. 310 do pass.

WARREN, Chairman.

Also, H. B. No. 160, being: A bill for an Act entitled, "An Act to amend Sections 3808, 3825 and 3826 of the Revised Codes of Montana of 1907, relating to corporations, and to authorize corporations to acquire, own, hold, mortgage, pledge, and dispose of capital stock, bonds, securities, or other evidences of indebtedness of other corporations," beg leave to report having had same under consideration, and recommend that the Senate amendments be concurred in and as amended that House Bill No. 160 do pass.

WARREN, Chairman.

On motion, House recessed until 1:30 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

#### REPORTS OF STANDING COMMITTEES.

March 1, 1909.

Mr. Speaker:

We, your Committee on Printing, having had under consideration S. B. No. 92, introduced by McDonnell, a bill for an Act entitled, "An Act to amend Section 88 of the Revised Codes of Montana of 1907, relating to the quarterly report of the State Treasurer, report same back with the recommendation that it be not concurred in.

O'DONNELL, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 354, 391 and 401 correctly printed.

O'DONNELL, Chairman.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders, first seven House bills on General Orders.

Frank in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported progress and asked leave to sit again.

The hour of 3:00 P. M. having arrived, House resolved itself into Committee of the Whole for consideration of Special Order, Senate Bill No. 18.

Reports of Committee of the Whole:

## REPORTS OF COMMITTEE OF THE WHOLE.

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 18, a bill for an Act entitled, "An Act to provide for the erection, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition—either by construction, purchase or otherwise—and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expense of such districts; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of Section 2309 to 2402, both inclusive, of Title X, Part III, of the Revised Codes of Montana of 1907, beg leave to report having had the same under consideration and recommend the same be concurred in, with the following amendments:

Amend Section 2 by striking out all of lines 42, 43 and 44.

Amend Section 4 by striking out in line 86 after the word "District," "provided that the inclusion of any such land not mentioned in the petition shall not deprive the other lands of the district mentioned in the petition of an adequate supply of water for irrigation purposes" "nor shall."

As a substitute, amend Section 4 by striking out in lines 114 and 115 the words "within ten days from the date of entry of such order."

Amend Section 4 by striking out in line 109 after the word "persons" the following "who may be owners of lands within the district" and inserting in lieu thereof the words "having the qualifications as provided by Section 5 of this Act."

Amend Section 8, line 162, insert word "guilty" after word "deemed."

Amend Section 9 by striking out in lines 150 to 157 inclusive (being in lines 176 to 183 inclusive of the second printed bill), the following: "Said Board shall also have power and authority to appropriate water in the name of the district, and to acquire either by purchase or condemnation, or other legal means, all lands, waters, water rights, land for reservoirs for the storage of needful waters, and all necessary appurtenances, and all other property necessary for the construction, use, support, maintenance, repairs and improvements of said canal or canals and works, including canals and works constructed, or being constructed by private owners, and to contract with the private owners for the completion of all work in course of construction so acquired therefrom," and to insert in lieu thereof the following: "Said Board shall have power and authority to appropriate water in the name of the district, and to acquire by purchase, water and water rights, and to acquire by purchase, condemnation or other legal means, lands for rights-of-way, lands for reservoirs for the storage of needful waters, lands for dam sites, and such other lands as may be necessary for the construction, use, maintenance, repairs and improvements of such system of works, and also to acquire by purchase, canals and works already constructed or in

course of construction."

Amend the amendment to Section 9 by adding thereto, on line 184, before the word "but" the following:

"And to contract with the owner or owners of such canals and works, so purchased and in course of construction for the completion thereof."

Amend Section by striking out lines 269, 270, 271, 272 and 273.

Amend Section 20 after end of line 369 by adding "provided nothing herein contained shall prevent an elector from voting for any qualified person although the name does not appear upon the official ballots."

Amend Section 21, line 373, by inserting the word "noticed" after the word "called."

Amend Section 22 by striking out after the words "said district" all the remainder of line 382, also all of lines 383, 384, 385.

Amend Section 27 so that the same shall read as follows: "Section 27. Non-interference with Navigation or Water Rights.—Navigation shall never in any wise be impeded by the operation of this Act, nor shall any vested interest in or to any mining or agricultural water rights or ditches, or in or to any water rights, or reservoirs, or dams now used beneficially by the owners or possessors thereof, in connection with any mining or agricultural industry or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly, in carrying out or in promoting the mining or agricultural industry, ever be affected by or taken under its provisions save and except that rights of way may be acquired over the same. Provided, further, that the right of eminent domain shall not be considered abridged by the provisions hereof.

Amend Section 25 by striking out the last word in line 441 and all of lines 442, 443 and 444.

Amend Section 28, by striking out in lines 405, 406 and 407 (being in lines 472, 473 and 474 of the second printed bill), all of the following:

"Unless prior thereto compensation be ascertained and paved therefor, under the laws of this State, authorizing the taking of private property for public uses.

Amend Section 29 by striking out the words "at least one a week" in line 482; strike out the words "if within the two weeks aforesaid" in line 485, and insert in lieu thereof the word "unless," and in line 487 strike out the words "petition against," and insert in lieu thereof the words "consent to make."

#### HOUSE RESUMED.

Mr. Speaker in the Chair.

Report of the Committee of the Whole.

The Committee of the Whole reported progress and asked leave to sit again.

On motion House resolved itself into Committee of the Whole for consideration of Special Order.

Kilgallon in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Reports adopted.

Recessed until 7:30 P. M.

#### EVENING SESSION.

House met pursuant to adjournment at 7:30 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

#### MESSAGES FROM THE SENATE.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate desires to further consider House Bill No. 243, returned on the 27th ult., and respectfully ask that the bill be retransmitted to the Senate.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate declining to concur in House Amendments to S. B. No. 24, the President has appointed a committee composed of Donlan, McCone and Romney to confer with a like committee from the House.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following bill was introduced, read first and second time and referred:

By Joint Committee for Investigation of Sales of State Lands, S. B. 130: A bill for an Act entitled, "An Act to approve, confirm and ratify sales of State Lands heretofore made.

Referred to Printing Committee.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Concurrent Resolution No. 2, H. B. 127, having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Resolution No. 6, S. Bs. No. 121, 125, 109, 123 and 122, having been read three several times, are herewith transmitted for your concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Committee of the Whole recommend that the enacting clause of H. B. 141 be stricken out, report adopted and bill is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. Bs. 257 and Sub. for H. B. 36, having been read three several time and concurred in as amended, are herewith returned for your concurrence in Senate amendments to same.

Respectfully,

NATHAN GODFREY, Secretary.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate Committee on Federal Relations having offered a Senate Substitute for House Concurrent Resolution No. 6 and having been read three several times and passed is herewith transmitted for your concurrence, and also return House Concurrent Resolution with Senate Substitute.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker announced that he was about to sign House Bills Nos. 94, 148, 153, 172, 198, 215, 218, 22, 233, and 234, and thereupon signed them in the presence of the House.

Mr. Speaker appointed Christler, Pierson and Derry a Conference Committee to act with Senate Committee on Senate Bill 24.

#### REPORTS OF STANDING COMMITTEES.

March 1, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration S. B. No. 77, being: A bill for an Act requiring persons elected as directors of corporations to file acceptance of office; forbidding corporations to hold out any one as a director without such acceptance having been filed, and amending Section 3835 of the Revised Codes of Montana of 1907, relating to elections of directors, and fixing penalties, respectfully report said bill back to the House with the recommendation that it be concurred in.

PIERSON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration S. B. No. 112, being: A bill for an Act entitled,

"An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts, and of articles of incorporation and stock certificates of water users associations organized under the National Reclamation Act, and prescribing the fees for such recording," respectfully report said bill back to the House with the recommendation that it be concurred in.

PIERSON, Chairman.

Adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration H. B. No. 17, being: A bill for an Act to amend Sections 4225 and 4226 of the Revised Codes of Montana, 1907, relating to religious, social and benevolent corporations, and providing that two or more religious, social and benevolent corporations may incorporate jointly, respectfully report said bill back to the House with the recommendation that it do pass with the following amendments:

Amend Section 4225 by adding thereto, after the words "who shall succeed those named in the articles of incorporation," the following: "Provided that in electing the number of trustees, or directors, to hold for the first year (or until the next annual elections of the respective associations, and in electing the trustees, or directors, at each annual election thereafter the respective associations shall elect the same number of trustees, or directors, to the end that each association shall be equally represented upon the Board of Trustees, or directors, of the corporation, but the total number of trustees or directors, of the corporation must not be less than three, nor more than thirteen, in the aggregate."

Amend Section 4226 by striking out the words "directors for the first year of the corporated existence of such incorporation," and insert in lieu thereof the following: "To hold for the first year of the corporate existence of such corporation or until their successors are elected and qualified."

PIERSON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having had under consideration S. B. No. 68, being: An Act enlarging the powers of companies now or hereafter to be formed under the provisions of the Act entitled, "An Act authorizing the incorporation of endowment and investment companies," approved March 7, 1905, and now being Chapter IV of Title II of Part IV of Division I of the Civil Code of the Revised Codes of Montana of 1907, so that such companies may, under conditions prescribed guarantee the fidelity and performance of duty by others, and certify and guarantee the title to the real estate, and make or guarantee bonds and undertakings, and providing for the manner of assessment of such companies for taxation, respectfully report said bill back to



the House with the recommendation that the same be not concurred in.  
PIERSON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your Committee on Corporations other than Municipal, having hand under consideration H. B. No. 316, being: A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana, printed as Section 3849 of the Revised Codes of Montana, relating to the method of changing place of business and number of directors by corporations organized under the laws of Montana," respectfully report said bill back to the House with the recommendation that it be indefinitely postponed.

PIERSON, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. B. No. 291 as correctly printed.

O'DONNELL, Chairman.

March 1, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. B. No. 400 correctly printed.

O'DONNELL, Chairman.

March 1, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. Bs. Nos. 160, Sub. H. B. 251, H. B. 310, H. Sub. B. to Senate Bill No. 17, and Sub. for H. B. 14, and amendments to S. B. 111, as correctly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. Bs. Nos. 94, 148, 153, 172, 198, 215, 128, 220, 233 and 234 as correctly enrolled.

WOODY, Chairman.

#### READING OF SENATE BILLS.

March 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following Senate Bills were today introduced, read first and second times and referred.

S. B. No. 122, by Committee on Elections and Privileges: A bill for an Act entitled, "An Act to provide for ascertaining the choice of Electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State."

In the House, read first and second time and referred to Committee on Privileges and Elections.

S. B. No. 123, by Committee on Railroads and Transportation: A bill for an Act entitled, "An Act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto." (History wrong in Senate.)

In the House, read first and second time and referred to Committee on Live Stock and Public Ranges.

S. B. No. 125, by Rae: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand stand of the Montana State Fair."

In the House, referred to Committee on State Institutions.

S. B. No. 121, by Annin: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana relating to salaries of deputies and classification."

In the House, read first and second times and referred to Committee on Judiciary.

S. B. No. 109, by McCone: A bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto, of the money derived from Forest Reserves in the State of Montana, under an Act of Congress approved June 30, 1906."

In the House, read first and second times and referred to Committee on State Lands.

H. B. No. 402, introduced by Shoemaker: A bill for an Act entitled, "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within one half mile of the dwelling house of the owner of any land or possessory claim."

Referred to Committee on Live Stock and Public Ranges.

H. B. No. 403, introduced by Smith: A bill for an Act entitled, "An Act to create a State Accident and Total Permanent Disability Fund, for all employees in and around Metalliferous Mines, Mills and Smelters, in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing penalties for the violation of the provisions of this Act."

Referred to Committee on Insurance.

On motion House resolved itself into Committee of the Whole for the consideration of General Orders.

Frank in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Report of the Committee of the Whole.

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 263, being: A bill for an Act entitled, "An Act imposing a license tax on Companies operating sleeping cars," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 275, being: A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana of 1907, authorizing and empowering the State Game and Fish Warden to create additional

game and fish districts and to appoint additional special deputies and Fish Wardens," beg leave to report having had the same under consideration and recommend the same do pass.

Also, H. B. No. 306, being: A bill for an Act entitled, "An Act to empower City and Town Councils to pay in installments for the improvements which are to be paid for by Special Assessment against any property and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years," beg leave to report having had same under consideration and recommend the same do pass.

Also, Sub. H. B. Nos. 24 and 32: Being a bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788, of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and beaver and preventing the sale of beaver skins and providing a punishment for the violation of this Act," beg leave to report having had the same under consideration and recommend the Senate amendments be concurred in.

Also, H. B. No. 317, being: A bill for an Act entitled, "An Act to provide for apportionment and membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof," beg leave to report having had the same under consideration and recommend the bill be indefinitely postponed.

Also H. B. No. 332, being: A bill for an Act to repeal Section 2270 of the Revised Codes, relative to the entry, settlement and forfeiture of lands reclaimed by the State under the "Carey Land Act," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 338, being: A bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 11 of Article IX of the Constitution, relating to the qualifications of officers and authorizing the Legislative Assembly to prescribe the qualifications for the offices of County Superintendent of Schools and Superintendent of Public Instruction, beg leave to report having had the same under consideration and recommend the same do pass.

Also Sub. for H. B. No. 213, being: A bill for an Act entitled, "An Act to regulate the transportation of coal, and to provide for the payment for loss of coal in transit," beg leave to report having had the same under consideration and recommend that Enacting Clause be stricken out.

Amend Section 4 by inserting in line 19, after the word "delivery," "where same is made within two miles of a track scale."

By striking all of line 21 after the word "shipment," and all of line 22, and insert "provided that in the event of said company failing or refusing to pay to the consignee the full value of such coal within ninety days after receipt of claim for loss, that such consignee shall be entitled

to a judgment for double the value of the coal proven to have been lost in transit."

Amend Section 5, by striking out all of line 25, and all of line 26 up to and including the word "act," beg leave to report having had the same under consideration and recommend that enacting clause be stricken out.

Amend Section 3 by inserting after the word "when" in line 15 thereof the following: "From causes other than washouts, storms, strikes, act of God, or any cause beyond the control of the Railway Company, the"

Amend Section 4 by striking out in line 19 the words "without charge," and the words "or after delivery."

By striking out after the word "transit" in line 21, the remaining portion of said section, beginning with the word "at" and ending with the word "agent," and insert in lieu thereof the following, "by its failure to use reasonable care in the protection of the same; provided, that any re-weighing that is done other than in yards where the company delivering the coal has car scales, shall be paid for by the consignee at the usual shipping and weighing weights necessary to such re-weighing.

Also S. B. No. 25, being: A bill for an Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such Institutions, to be known and designated as the Interest and Income Funds of each of such Institutions; reducing the appropriations from the General Fund; and providing for reports by said Educational Institutions of all moneys received from appropriations made to them under the laws of the United States.

Strike out that part of Section 3 as follows: Commencing with the word "and" in line 18 down to and including the word "Institution" in line 24½.

Also S. B. No. 16, being: A bill for an Act relating to the government, management, control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263 and 1264 of the Revised Codes of Montana, 1907, beg leave to report having had the same under consideration and recommend the same be concurred in as amended.

Amend by striking out the amendment offered by the Committee on State Institutions, etc., and inserting in lieu thereof the following: Provided the Board of Examiners may not limit the power of the Executive Board in making expenditures or contracts which in no single instance or for any single purpose does not exceed Two Hundred and Fifty Dollars.

Also H. B. No. 208, being: A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort

Benton," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 202, being: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of Deputies to County Officers and Assistants," beg leave to report having had the same under consideration and recommend the same do pass; with the following amendments:

Amend Section one by inserting in line 50 after the words "Deputy Clerks" the words "not to exceed."

Amend Section one by striking out in line 48 the words "three hundred and twenty dollars" and inserting in lieu thereof the words "two hundred dollars."

Amend Section one by inserting in line 51 after the words "Deputy Clerk, District Court" the words "not to exceed."

Amend Section one by inserting in line 49 after the words "each Deputy Sheriff" the words "not to exceed."

Also H. B. No. 267, being: A bill for an Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or credit for the payment of the same, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 269, introduced by MacGinnis, being: A bill for an Act relating to the payment of deposits in two names, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 296, being: A bill to impose on Contractors on State Buildings and State Works certain conditions as to labor and wages, an Act requiring hereafter all contractors on buildings and works owned by, or to be accepted by, the State of Montana, to enter into any agreement; to the effect that all persons employed on such works or buildings be paid the scale of wages fixed by Labor Unions in the place where the work or building is to be done, and to the effect that such contractors will conform to the rules relating to wages, hours constituting a day, and other rules for work fixed by labor unions in the place where the building or work is to be carried on, beg leave to report having had the same under consideration and recommend same do pass.

Also H. B. No. 19: A bill for an Act entitled, an Act to amend Section 1435, Chapter II, Part III, Title II, of the Political Code of the State of Montana, relating to duties of a canvassing board, beg leave to report having had the same under consideration, and recommend the same do pass.

Also H. B. No. 27, being: A bill for an Act entitled, "An Act providing for the payment of traveling expenses of the Governor, Attorney General, Secretary of State, State Auditor, when traveling on official business," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. J. R. No. 7, a Joint Resolution relative to opening of Flat-



head Indian Reservation, beg leave to report having had the same under consideration and recommend the same do pass with the following amendments.

Also House Joint Memorial No. 9: WHEREAS, There is now pending in Congress a bill, introduced by Senator Joseph M. Dixon, by the terms of which the sale of intoxicating liquors, for twenty-five years within the territory now comprising the Flathead Indian Reservation, shall be prohibited; beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 217, being: A bill for an Act to authorize Public Administrators to require statements from persons and corporations having in their possession or control money, or other personal property belonging to deceased persons, and to collect the same and summarize settle estates where the value thereof is less than two hundred dollars, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 3722, being: A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation and abolishing the office of Road Supervisor in counties of the first class, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 244, being: A bill for an Act relating to the deposit of funds in the hands of the State Treasurer, designating the depositaries thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution creating a State Depository Board, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 284, being: A bill for an Act entitled an Act to amend "An Act to determine the liability of persons or corporations operating railways or railroads in this State for damages sustained by employees thereof, and to declare void contracts restricting such liability, which Act was approved on Jan. 16, 1905, and to provide for the determination of the liability of persons and corporations operating railways and railroads in this State for damages sustained by employees thereof, and the heirs and personal representatives of such employee in case of death and to declare void contracts restricting such liability," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 288, being: A bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance and operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909 and 1910," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 289, being: A bill for an Act entitled, "An Act to provide for the selection of umpire assayers within this State and providing penalties for the violation thereof," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 360, being: A bill for an Act entitled, "An Act to



permit foreign surety companies to do business in this State and regulating the method thereof," beg leave to report having had the same under consideration and recommend the same do pass with the following amendments:

In line 5, Sec. 1 of the printed bill, insert the word "mat" between the words "state" and "he."

Amend lines 30 and 31, page 2, Section 4, by striking out the words "in the month of January" and inserting in lieu thereof the words "within sixty days after December 31st of the preceding year."

Amend line 35 by adding after the word "Commissioner" the following "and shall include such other information as the said Commissioner may require."

Amend line 76, page 4, by striking out the words "in the month of January" and adding in lieu thereof the words "within sixty days after December 31st of the preceding year."

Amend line 85, page 4, by inserting after the word "Act" the following, "provided that all licenses shall expire March 31st of each year."

Amend line 105, page 5, by inserting after the word "agent" the following, "the fees for such certificate to be the same as those required of all insurance companies."

Amend line 117, page 6, by adding after the word "State" the following, "provided that nothing in this Section shall be construed to repeal, limit or change the provisions of H. B. No. 76, Eleventh Legislative Assembly, approved February 23, 1909, relating to the examination of insurance companies."

Amend line 133, page 6, by adding after the word "examined," the following, "provided that nothing in this Section shall be construed to repeal, limit or change the provisions of H. B. 76, Eleventh Legislative Assembly, approved February 23, 1909, relating to examinations of insurance companies."

Amend line 134, page 6, Section 17, by inserting between the words "company" and "applying" the following, "organized in this State."

Amend line 137, page 6, by adding after the word "thereafter" the following, "every such company organized under the laws of any other state and admitted to transact business in this state, and each agent of every such company shall pay the same fees and taxes to the Insurance Commissioner of this State as are required by the laws of Montana from general insurance companies."

Also H. B. 227, a bill for an Act entitled an Act to provide for a chemist and bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 315: A bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1909 and 1910, beg leave to report having had the same under consideration and recommend that same do pass with the following amendments:

Amend by inserting after Section 2 at line 7 of the printed bill, a section to be designated as "Section 3," reading as follows:

Section 3. There is hereby levied upon all the property of the State liable to taxation for the year 1909, an ad valorem tax of one-fourth mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, laws of 1907.

And further, by inserting a section to be designated as "Section 4," as follows:

Section 4. There is hereby levied upon all property in the State liable to taxation for the year 1910, an ad valorem tax of one-fourth of one mill on each dollar of the valuation of all such property for the purpose of paying the interest on and to constitute a sinking fund for the redemption of the bonds issued by the State of Montana pursuant to the provisions of Chapter 58, laws of 1907.

And further by renumbering the Sections three and four of the printed bill so that they will be respectively numbered 5 and 6.

Also H. B. No. 248: A bill for an Act to appropriate Two Hundred and Fifty (\$250.00) Dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector, in Chouteau county, from December 1, 1904, to March 31, 1905, inclusive," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 270: A bill for an Act to amend Section 5923 of the Revised Codes of Montana relative to the payment of instruments made public at a bank, beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 272: A bill for an Act fixing the liability of a bank to its depositors for payment of forged or raised checks, beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 273: An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations, beg leave to report having had the same under consideration and recommend the same do pass.

H. B. No. 366: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 366, introduced by Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form," beg leave to report having had same under consideration and recommend same do pass.

Also H. B. No. 386: A bill for an Act entitled, "An Act to amend Section 3240 of Article 3, Chapter 3, Title 2, Part 4 of the Political Code of Montana, of the Revised Codes of Montana, 1907, fixing the salaries of mayor and aldermen in cities of the first class," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 363: A bill for an Act entitled, "An Act appropriating

money for the payment of deficiency claim on account of Montana State Reform School," beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 368: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1908," beg leave to report having had the same under consideration and recommend the same do pass.

H. B. No. 365: A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims," beg leave to report having had the same under consideration and recommend the same do pass.

H. B. No. 367: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the State Fish Hatchery at Anaconda, Montana," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 343: A bill for an Act to appropriate money for the payment of deficiency claims of the State Prison during the year ending February 28, 1909, beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 322: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year ending February 28, 1909," beg leave to report having had the same under consideration and recommend the same do pass.

On motion, House adjourned until 10:00 to-morrow, March 2, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

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## Fifty-Eighth Day.

Helena, Montana, March 2nd, 1909.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by Chaplain.

Roll call. Quorum present.

Journal read and approved.

### NOTICES.

February 26, 1909.

Mr. Speaker:

I hereby give notice that I will on tomorrow, or some subsequent day, introduce a bill for an Act to prohibit the discounting of time checks issued on account of indebtedness for labor.

MacGINNISS, Chairman.

By MacGinniss: A bill for an Act to prohibit the discounting of time checks on account of indebtedness for labor.

**REPORT OF SELECT COMMITTEES.**

To the Honorable Senate and House of Representatives of the State of Montana.

Gentlemen:

We, your Committee, duly and regularly appointed, pursuant to the Resolution to investigate the business affairs of the State Prison at Deer Lodge, Montana, and to make recommendations as to its control, conduct and management, do hereby report as follows:

After a full and careful examination of the actions of the Prison Board in their consideration of the bids offered for the care and maintenance of the prison by contract, their refusal of all bids and assuming control by the State of the prison, its business and affairs, we have no hesitancy in commending their judgment and discretion from a point of interest to the tax-payers of the State. A careful perusal of the facts and an inspection of the Prison, develops the following conditions:

An exhaustive inventory of the property owned by the former contractors, Conley & McTague, compiled by the Secretary of the Prison Commission as to the items, but not as to prices, was furnished by the Commission's Secretary. We found no items listed unnecessary for the proper conduct of the Prison.

To intelligently determine the true and fair value of this property would require the undivided time of the Committee for a much longer period than that available to your Committee, and we recommend that the Legislature name the following five persons, William Lindsay, Glendive; J. C. McNamara, Helena; Martin Maginnis, Helena; George Stanton, Great Falls; and Thomas Lockman, Missoula, they to constitute a committee with authority to act in determining the values, to subpoena witnesses, and to employ a secretary, the committee and the secretary to be paid from the General Fund at a rate of Five Dollars per day and the necessary expenses. This committee to report in full, their findings to the Board of Prison Commissioners as to the value of the property in question, and the Board of Commissioners in turn to report to the next Session of the Legislature.

Especial attention was asked of the Legislature in consideration of the deplorable absence of space and accommodation for the present number of prisoners under sentence and care of the State. On February 13th, last, there were under sentence six hundred and ten prisoners, seventy-five of which they are unable to care for within the prison, and as each new convict enters one must be taken from within, that room may be made for the new arrival. The Warden is at present caring for this over-flow as best he can through a trusty system and emergency buildings on lands owned by Conley & McTague. Your Committee finds the State wholly without funds to meet this urgent need and demand for space, and as the inmates have increased in number the past two years, one hundred and forty-seven, your Committee believes the increase for the next two years will be fully two hundred. With an overflow of seventy-five at present, and a further increase of two hundred before another session of the Legislature, some action must be taken at once.

The State being without funds, your Committee urgently recom-

mends the following solution of this dilemma; that after an appraisal of the property by the Committee, we recommend that the Prison Board at once advertise for bids for the care and maintenance of the convicts of the State for a period of two years, the successful bidder or bidders to pay over to Conley & McTague the appraised value of their property necessary for the proper conduct of the Prison, and the Prison Board to recommend to the next Legislature a purchase by the State of this property, and the State to then assume control, as it is expected the State Treasury will then be in a condition to meet the necessary demands for additional space and equipment for the State handling of the institution. The successful bidder or bidders to contract also to care for the overflow of the prison in a safe and satisfactory manner. In case no bidder or bidders comply with these requirements, then in that event, the Prison Board be authorized to let to Conley & McTague for a term of two years, a contract for the care and maintenance of the state convicts and to provide for the overflow at a price of five cents advance over the price of 44.4 cents per day per inmate, Conley & McTague in turn to give free to the State all that property within the prison walls, at the termination of this contract. It is estimated that this property will inventory in the neighborhood of \$25,000.00, which together with the care of the overflow, makes this the most desirable method to pursue from a purely practical business point of view.

In considering the water supply for the penitentiary your Committee found a private system is used owned by Conley & McTague. We also found an available supply in the system now used by the town of Deer Lodge, and ascertained from the company owning this plant, that water for use of the penitentiary by the State could be contracted for, for a term of years.

We recommend, however a purchase by the State of the system now used but owned by Conley & McTague. Should they not be willing to accept a fair consideration for the property, then, and in that event, condemnation proceedings should be instituted.

Your Committee desires to call special attention to the fact that no labor is provided for convicts sentenced to hard labor, and are fully convinced for the best interests of the State that this matter should be speedily remedied. We call your attention to convicts entering the penitentiary for a term of years, and through enforced idleness, at the expiration of their terms become confirmed idlers.

We would recommend that the prison board inquire into the manufacture of binding twine with the end in view of reporting to the next Legislature, together with the details of this industry, that arrangements may be made for its manufacture by the convicts. This will interfere in no way with the labor of the State, as nothing of this nature is at present produced within its boundaries.

We recommend that while the penitentiary remains under the control of a warden that their salary be raised from \$50.00 to \$75.00, that competent men may be obtained.

This Committee wishes to especially commend the able and efficient management of the warden, Frank Connelly.



We find the sanitary conditions of the very best; strict economy is observed in the handling of the prison; the general health of the prisoners is excellent.

Respectfully submitted.

NORTON, Chairman.

Mr. Speaker announced that he was about to sign S. Bs. Nos. 75, 50, 49, 86 and 30 and thereupon signed them in the presence of the House.

#### REPORTS OF STANDING COMMITTEES.

Steering Committee report for March 2, A. M.: S. Bs. 59, 79, 80, H. J. R. 5613, Sub. H. Bs. 132, 149, 29, 205, 206, 162, H. J. M. 6, H. Bs. 297, 240, 277, 278, 204, 340, 359, 350, 354, 321, 389, 380, 391, 336, 400, 401, 109, 238, 291, 293, 294, 211.

MacGINNISS, Chairman.

Special Steering Committee report to take off H. B. 109, because it is for School of Mines appropriation which is in Bill 400.

MacGINNISS.

BURKE.

BYRNES.

March 2, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. Bs. Nos. 229, 395, 86, 285, 390, 385, 309, 396, and Sub. for 10 and Sub. for 246, correctly printed.

O'DONNELL, Chairman.

March 2, 1909.

Mr. Speaker:

Your Committee on Sanitary Affairs, having had under consideration S. B. No. 90, introduced by Everett, a bill for an Act entitled, "An Act to amend Sections 4256, 4257, 4262, 4264 and 6266 of the Revised Codes of Montana, 1907, relating to cemetery associations," and report back to the House with the recommendation that it do pass.

HAMMOND, Chairman.

Report adopted.

March 1, 1909.

Mr. Speaker:

Your House Employment Committee wishes to notify the House that they have this day suspended with the service of Mr. O'Connell as janitor; also Miss, Genevieve Haggerty has resigned her position as stenographer on Committee on Ways and Means. John Hagen has been placed on the pay roll beginning March 1st, 1909, as janitor.

WARD.

PIERSON.

GROFF.

WHALEY.

Adopted



March 2, 1909.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration S. B. No. 183, being a bill for an Act entitled, "An Act regulating and governing contracts relative to the shipment of live stock, and the giving of notice or claim for loss or damage thereto," respectfully report said bill back to the House with the recommendation that it be concurred in.

CROUCH, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

Your Committee on Live Stock and Public Ranges, having had under consideration H. B. No. 402, being: A bill for an Act entitled, "An Act making it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other person, or to herd the same or permit the same to be herded or grazed within one-half mile of the dwelling house of the owner of any land or possessory claim," respectfully report said bill back to the House with the recommendation that it do pass.

CROUCH, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Banks and Banking, having had under consideration S. B. No. 80, introduced by Rae, being: A bill for an Act entitled, "An Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital or insolvency of banks and duties of bank examiners," recommend that the same be concurred in.

LARGEY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

Your Banks and Banking Committee, having had under consideration H. B. No. 282, introduced by Clayberg, being: A bill for an Act entitled, "An Act relating to banks and trusts deposits and securities companies, and creating a depositors' guarantee fund," recommend that the same do pass.

LARGEY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

Your Committee on Banks and Banking, having had under consideration H. B. No. 384, introduced by Mitchell, being: A bill for an Act entitled, "An Act providing for the issuance of State Licenses for automobiles used and operated in the State of Montana and providing penalties for the operation of automobiles without first procuring such

licenses," recommend that the same do pass as amended.

LARGEY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

Your Committee on Banks and Banking, to whom was referred H. B. No. 384, an Act entitled, "An Act providing for the issuance of State Licenses for automobiles used and operated in the State of Montana and providing penalties for the operation of automobiles without first procuring such license, being a minority of said committee, respectfully recommend that it be indefinitely postponed.

WOOD.

Rejected by majority report being adopted.

March 2, 1909.

Mr. Speaker:

We, the minority members of your Committee on Banks and Banking, having had under consideration H. B. No. 382, entitled, a bill for an Act entitled, "An Act relating to banks and banking, and trust deposits, and securities companies, and creating a depositors' guarantee fund," beg leave to report that the same be indefinitely postponed.

SHAW.

BOGART.

MURRAY.

WOOD.

WARD.

Motion lost.

March 2, 1909.

Mr. Speaker:

We, your Committee on State Lands, having had under consideration S. B. No. 109, introduced by McCone: A bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto, of the money derived from Forest Reserves in the State of Montana under an Act of Congress, approved June 30, 1906," report the same back to the House with the recommendation that it be concurred in.

CLUSTON, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Education, having had under consideration S. B. No. 118, introduced by Donlan, being: A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana, of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana by legally qualified physician and surgeon to be designated and paid out of the general fund by the Board of County Commissioners of each county, the designation of such physicians and surgeons to be approved by

the State Board of Health," recommend that the same be concurred in as amended.

HAMMOND, Chairman.

Report adopted.

### MESSAGES FROM THE SENATE.

Senate Joint Resolution No. 6 was read first and second time and referred to Committee.

Senate Sub. for H. C. R. No. 6 was read a first and second time and referred.

March 1, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate respectfully asks the return of H. B. No. 124 for further consideration.

Respectfully,

NATHAN GODFREY, Secretary.

### THIRD READING OF SENATE BILLS.

S. B. No. 111, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Crouch, Cummings T. A., Derry, Duncan, Edgerton, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, Wilham, Witmer, Wood, Woody, Mr. Speaker.—57.

Noes: Coit, Crutchfield, Dowling, Garber, Jacobson, Lehrkind, Roy, Swick, Whaley, White.—10.

Absent and not voting: Connelly, Cummings H. T., Eliel, Mitchell.—4.

H. B. No. 310 with Senate amendments was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—67.

Noes: Gibson.—1.

Absent and not voting: Connelly, Eliel, Mitchell.—3. Total 71.

H. B. No. 160 with Senate amendments was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crutchfield, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray,

Hanifen, Hayes, Harbert, Kilgallon, King, Largey, Lowney, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Swick, Ward, Warren, Werner, White, Wilham, Woody, Mr. Speaker.—47.

Noes: Brewster, Coit, Crouch, Cummings H. T., Duncan, Gibson, Groff, Hall, Hammond, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Smith, Thompson, Whaley, Witmer, Wood.—20.

Absent and not voting: Lehrkind, Mitchell, Murray, Safley.—4.  
Total 71.

S. B. No. 17, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, MacGinniss, McCoy, O'Donnell, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—52.

Noes: Christler, Coit, Dowling, Hayes, Ward, Wilham.—6.

Absent and not voting: Burke, Crutchfield, Eliel, Frank, Groff, Lehrkind, Mitchell, Murray, Norton, Pierson, Safley, Warren, Woody.—13.  
Total 71.

McCoy moved that H. B. No. 227 be considered engrossed and placed on third reading. Motion carried.

### THIRD READING OF HOUSE BILLS.

H. B. No. 227, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Connelly, Crouch, Cummings, Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Wood, Mr. Speaker.—52.

Noes: Coit, Cluston, Cummings H. T., Garber, Gibson, Groff, Hanifen, Witmer.—8.

Absent and not voting: Burke, Christler, Crutchfield, Harbert, Mitchell, Murray, O'Donnell, Pierson, Safley, Warren, Woody.—11.

On motion of Norton, House recessed until 2:00 P. M.

### AFTERNOON SESSION.

Helena, Montana, March 2, 1909.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present.

The Select Committee appointed to investigate the sale of State Lands and the State Land Office submitted a report which was received and read.

On motion the report was received and placed on file, 400 copies to be printed; and the Committee discharged with the thanks of the House for their full and complete report and for their careful investigation, and the time devoted to the matter.

#### REPORTS OF STANDING COMMITTEES.

March 2, 1909.

Mr. Speaker:

We, your Committee on State Lands, having had under consideration S. Sub. for H. C. R. No. 6, introduced by Committee on Federal Relations, report the same back to the House with the recommendation that it be concurred in.

CLUSTON, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. Bs. Nos. 202, 343, 363, 322, 385, 367, 386, H. J. R. No. 7, as correctly engrossed.

WARREN, Chairman.

March 2, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. Bs. Nos. 19, 284, 306, 275, 372, Sub. H. Bs. Nos. 285, 314, as correctly engrossed.

WARREN, Chairman.

March 2, 1909.

Mr. Speaker:

We, you Engrossing Committee, beg leave to report H. B. 208 as correctly engrossed.

WARREN, Chairman.

March 2, 1909.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. B. No. 127 and H. J. R. No. 2 as correctly enrolled.

WOODY, Chairman.

March 2, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report H. B. No. 399 as correctly printed.

O'DONNELL, Chairman.

March 2, 1909.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred S. B. No. 119, being: A bill for an Act entitled, "An Act to provide an additional Judge for the Fifth Judicial District of the State of Montana, so that there will hereafter be two Judges of said District," having had said bill under consideration, beg leave to report same back to the House with

the recommendation that the same be not concurred in.

FRANK, Chairman.

Report adopted.

March '2, 1909.

Mr. Speaker:

We, your Committee on State Institutions, Public Buildings and Grounds, having had under consideration S. B. No. 125, introduced by Rae, being: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand stand of the Montana State Fair," respectfully refer the same back to the House with the recommendaiton that it be re-referred to the Committee on Appropriations.

SHOEMAKER, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 392, introduced by Christler, being: A bill for an Act entitled, "An Act to provide for the making, filing and publishing of a statement of campaign funds," recommend that the same do pass.

McCOY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration S. B. No. 69, introduced by Kessler (by request), being: A bill for an Act entitled, "An Act to amend Paragraph Three of Section 899, Article VI, Chapter VII, of the Political Code, relating to taking the school census and providing penalties," recommend that the same be re-referred to the Judiciary Committee.

McCOY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration H. B. No. 398, introduced by Harbert being: A bill for an Act entitled, "An Act prohibiting the selling, bartering, trading or giving away of intoxicating liquors and providing for the submitting of said law to the qualified electors of the State for approval," unanimously recommend that the same be indefinitely postponed.

McCOY, Chairman.

Report adopted.

Mr. Speaker announced that he was about to sign H. B. No. 127, and thereupon signed it in the presence of the House.



## MESSAGES FROM THE GOVERNOR.

March 2, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that the following H. Bs. have been approved and deposited with the Secretary of State:

No. 115, an Act to regulate the practice of the profession of public accounting.

No. 161, an Act to provide for the erection of dock and wharves on the navigable waters within the State of Montana, and to provide for their management and control.

Sub. for No. 113, an Act to amend Sections 77, 78 and 79, and repeal Section 80 of the Revised Statutes of Montana, 1907, relating to the compensation of members, officers and employees of the Legislative Assembly.

EDWIN L. NORRIS, Governor.

## MESSAGES FROM THE SENATE.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that acting upon your request for return of S. B. No. 62 for further consideration, is herewith complied with.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was today introduced, read first and second time and referred:

By Committee on Railroads and Transportation, S. B. No. 131: An Act entitled, "An Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana, certain powers thereto."

Referred to Committee on Railroads and Transportation.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that S. B. No. 120 having been read three several times and passed is herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that

H. B. No. 201, having been read three several times and concurred in as amended, is herewith returned for your concurrence in Senate amendment to bill.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. B. Nos. 254, 259, 223, 166 and 170 having been read three several times and concurred in, are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

S. B. No. 120 was read a first and second time and referred to Towns and Counties Committee.

Title to S. B. 120, by Kessler, a bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to maximum number of Deputy Clerks and Sheriffs."

Christler moved that H. B. No. 331 be considered engrossed and placed on third read.

### THIRD READING OF HOUSE BILLS.

H. B. No. 331, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Hammond, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker,—63.

Noes: None.

Absent and not voting: Connelly, Crutchfield, Dowling, Lehrkind, Mitchell, Pierson, Swick, Wilham.—8. Total 71.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Norton in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Report of the Committee of the Whole:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 59, being: A bill for an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof and the management, protection and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of State Lands and the

products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon State Lands; and defining and providing for the punishment of certain offences for violating the provisions of this Act, beg leave to report having had the same under consideration and recommend the same be concurred in as amended:

Amend Section 5, line 50, by adding after the words "dollar per annum" the words "and actual necessary expenses when engaged in outside work."

Amend Section 17, line 192, by adding after the words "offender or offenders" the words "if in his judgment the facts warrant the same."

Amend Section 20 by striking out in line 243 the word "registrar" and by striking out in line 244 the word "registrar" and inserting in lieu thereof the word "register" in both places.

Amend Section 22 by striking out in line 264 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 23 by striking out in line 269 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 28, line 324, by adding after the words "all coal areas in the State" the words "after final examination are" and strike out the word "as" in said line.

Amend Section 28, line 329, by adding after the word "provided" the following "provided however, that the surface rights of such land may be sold or may be leased for either agricultural or grazing purposes."

Amend Section 34 by striking out all of line 416 after the word "provided" and all of lines 417, 418 and 419 and all of line 420 down to and including the words "as timber lands" and inserting in lieu thereof the words "that whenever the soil on any timber land is of such character that when cleared it would make good agricultural land, the land may be sold with the timber thereof."

Amend Section 35, line 443, by adding after the words "such bidder shall" the words "immediately enter into a bond or give the State other sufficient surety conditioned that he will."

Amend Section 36 by striking out the words in said Section beginning with the word "when," line 457, down to and including the word "State" on line 469.

Amend Section 37 by striking out in line 471 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 38 by striking out all of said Section and re-numbering the following Sections to correspond.

Amend Section 40 by striking out in line 500 the words "if all" and inserting in lieu thereof the words "a description of the".

Amend Section 40 by striking out in line 501 the words "are not."

Amend Section 45 by striking out in line 536 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 47 by striking out in line 557 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 49 by striking out in line 568 the word "registrar"

and inserting in lieu thereof the word "register."

Amend Section 49, line 573, by adding at the end of said line the following proviso: "Provided that such hearing may be had upon testimony taken before some officer authorized to administer oaths in the county in which the land involved is situated."

Amend Section 51 by striking out in line 583 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 53 by striking out in line 600 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 56 by striking out in line 647 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 57 by striking out in lines 754 and 756 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 76 by striking out in line 863 the word "registrar" and inserting in lieu thereof the word "register."

Amend Section 107, line 1096, by adding after the words "of this Act" the words "and not herein otherwise provided for."

Amend Section 69 by striking out in line 785 the word "after" and insert "before."

Amend Section 23 by striking out in line 272 the words "out of the moneys in the several land grant income funds," and also striking out all of lines 273 to 277 inclusive, and inserting in lieu thereof the following: "monthly out of the land office expense fund and if the amount in such fund shall be insufficient to pay the whole of such salaries then the balance thereof remaining unpaid shall be paid out of the general fund."

Amend Section 94 by striking out all of lines 1006 to 1009 inclusive and inserting in lieu thereof the following: "out of the land office expense fund, and if the amount in such fund shall be insufficient to pay the whole of such expenses, such unpaid balance shall be paid out of the general fund; provided, however, that all claims shall first be approved and allowed by the State Board of Examiners."

Amend Section 72 by striking out in line 823 the word "unleased."

Amend Section 72 in line 833 after the word "claim" by adding the words "ten dollars per acre."

Amend Section 72 by striking out all of lines 835 and 836.

Also S. B. No. 79: A bill for an Act appropriating money for the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever, beg leave to report having had the same under consideration and recommend the same be concurred in as amended:

Amend Section 1 by striking out in line 1 the word "six" and the figure "6" and inserting in lieu thereof the word "four" and the figure "4" respectively.

Also S. B. No. 80: A bill for an Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital of insolvency of banks and duties of State Bank Examiner, beg leave to report having had the same under consideration and recommend the same be concurred in.

## REPORTS OF STANDING COMMITTEES.

March 2, 1909.

Mr. Speaker:

Your Joint Conference Committee, to whom was referred S. B. No. 24, beg leave to report as follows: That we have had the same under consideration and recommend that all amendments made in the Committee of the Whole of your Honorable House be rejected, except the insertion by amendment of Section 3; also that Section 4 be amended in line 32 of the printed bill by striking out all of the words after the word "of" and inserting in lieu thereof the following: "five thousand dollars for the year 1909."

CHRISTLER, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Townships and Counties, to whom was referred S. B. No. 120, being: A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy clerks and sheriffs," beg leave to report the same back to the House after having had the same under consideration with the recommendation that it be concurred in.

DUNCAN, Chairman.

Adopted.

March 2, 1909.

Mr. Speaker:

Your Committee on appropriations, to whom was referred S. B. No. 125, introduced by Rae: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand-stand of the Montana State Fair," having had the same under consideration, recommend that it be amended as follows:

Amend Section 1, line 1, by striking out the word "twenty" and inserting in lieu thereof the word "sixteen."

Amend Section 1, line 4, after the word "treasury" by inserting the words "on December 1st, 1910," and as amended the bill be concurred in.

KILGALLON, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report H. B. No. 217, and Sub. H. Bs. Nos. 24 and 32, as properly engrossed.

WARREN, Chairman.

On motion when House recessed, that it will be until 7:00 tonight.

Moved that the report of the action of Committee of the Whole on S. B. No. 59 be reconsidered. Motion carried.

On motion bill was again referred to General Orders.

On motion House recessed until 7:30 P. M.

**EVENING SESSION.**

House met pursuant to adjournment at 7:30 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

**MESSAGES FROM THE SENATE.**

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Sub. for H. B. No. 111, having been read three several times and concurred in as amended, is herewith returned for your concurrence in Senate amendments above bill.

That Senate Bill No. 120 and Sub. for S. B. No. 45 having been read three several times are herewith transmitted to the House for its concurrence.

That S. Bs. Nos. 126 and 127 having been read three several times and passed are herewith transmitted for your concurrence.

That H. B. No. 280 and H. B. 222 having been read three several times and concurred in as amended are herewith returned for your concurrence in Senate amendments to above bill.

That H. B. No. 227 having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

The following S. Bs. were read first and second times and referred.

Sub. for S. B. No. 45, introduced by Haviland: A bill for an Act entitled, "An Act concerning convicts under sentence of death, and to repeal Sections 9383, 9384, 9385, 9386, 9387, 9388, 9390, 9391, 9392, 9393 and 9394 of the Revised Codes of 1907."

S. B. No. 126, introduced by Committee on Education of the Senate: A bill for an Act entitled, "An Act to promote industrial education."

S. B. No. 127, introduced by Edwards: A bill for an Act entitled, "An Act relating to the office of the State Treasurer, fixing the salary of the Deputy State Treasurer, and the compensation of the Clerk."

S. B. No. 130, introduced by Joint Committee for investigation of sales of State Lands, Wm. Cowgill, Chairman.

On motion Rules were suspended and House proceeded to third reading of H. Bs.

**THIRD READING OF HOUSE BILLS.**

H. B. No. 19, title aproved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Berkin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, McCoy, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Witmer, Mr. Speaker.—50.



Noes: None.

Absent and not voting: Burke, Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Gibson, Gray, Jacobson, Kelsey, Mitchell, Murray, MacGinniss, Norton, Pierson, Warren, Whaley, Wilham, Wood, Woody.—21. Total 71.

H. B. No. 284, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Lowney, Maxwell, Metzel, Murray, McCoy, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker,—51.

Noes: None.

Absent and not voting: Burke, Christler, Clayberg, Coit, Connelly, Crutchfield, Eliel, Gibson, Jacobson, Kelsey, Largey, Lehrkind, Mitchell, MacGinniss, Norton, Pierson, Shaw, Warren, Wood, Woody.—20. Total 71.

H. B. No. 306, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Lowney, Maxwell, Metzel, McCoy, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.

Noes: None.

Absent and not voting: Burke, Christler, Clayberg, Coit, Connelly, Crouch, Crutchfield, Eliel, Gibson, Jacobson, Largey, Lehrkind, Mitchell, Murray, MacGinniss, Norton, Pierson, Warren, Wood, Woody.—20. Total 71.

H. B. No. 275, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Christler, Cluston, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, O'Donnell, Pomeroy, Safley, Shoemaker, Thompson, Swick, Ward, Whaley, White, Wilham, Witmer, Woody, Mr. Speaker.—47.

Noes: Groff, Lehrkind, McCoy, Owenhouse, Roy, Shaw, Smith, Werner.—8.

Absent and not voting: Bogart, Burke, Clayberg, Coit, Crouch, Crutchfield, Eliel, Gibson, Gray, Jacobson, Mitchell, Murray, MacGinniss, Norton, Warren, Wood.—16. Total 71.

H. B. No. 208, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes,

Christler, Cluston, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lehrkind, Maxwell, Metzel, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Woody, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Burke, Clayberg, Coit, Crouch, Crutchfield, Duncan, Eliel, Gibson, Harbert, Jacobson, Lowney, Mitchell, Murray, MacGinniss, Pierson, Roy, Warren, Wood.—18. Total 71.

H. B. No. 372, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Christler, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Largey, Lehrkind, Maxwell, Metzel, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Mr. Speaker.—47.

Noes: Dowling, Kelsey, Kilgallon, King.—4.

Absent and not voting: Burke, Byrnes, Clayberg, Connelly, Crutchfield, Elliott, Gibson, Gray, Groff, Harbert, Jacobson, Lowney, Mitchell, Murray, Owenhouse, Shaw, Warren, Whaley, Wood, Woody.—20. Total 71.

H. B. No. 288, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Christler, Cluston, Crouch, Cummings T. A., Cummings H. T., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Harbert, Hunter, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Mr. Speaker.—51.

Noes: None.

Absent and not voting: Burke, Byrnes, Clayberg, Coit, Connelly, Crutchfield, Eliel, Gibson, Gray, Groff, Hayes, Hutchinson, Mitchell, Murray, Owenhouse, Smith, Warren, Whaley, Wood, Woody.—20. Total 71.

H. B. No. 314, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Hall, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Burke, Coit, Crutchfield, Eliel, Gibson, Groff, Hall, Hammond, Hayes, King, Largey, Maxwell, Mitchell, Murray, Roy, Warren, Wood, Woody.—19. Total 71.

H. B. No. 202, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Hanifen, Harbert, Hutchinson, Jacobson, Largey, Lehrkind, Lowney, Metzel, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—48.

Noes: Gray, Hunter, Kelsey, McCoy.—4.

Absent and not voting: Burke, Christler, Coit, Eliel, Gibson, Groff, Hall, Hammond, Hayes, Kilgallon, King, Maxwell, Mitchell, Murray, Roy, Shaw, Warren, Wood, Woody.—19. Total 71.

H. B. No. 343, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Brewster, Burke, Christler, Coit, Crutchfield, Dowling, Eliel, Gibson, Groff, Hall, Hayes, King, Mitchell, Murray, Warren, Wood, Woody.—18. Total 71.

H. B. No. 363 was read a third time and passed, title approved, by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Duncan, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Maxwell, Lowney, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Burke, Christler, Coit, Crutchfield, Dowling, Eliel, Gibson, Groff, Kilgallon, King, Mitchell, Murray, Warren, Wilham, Wood, Woody.—16. Total 71.

H. B. No. 322, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A.,

Cummings H. T., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Burke, Crutchfield, Eliel, Frank, Groff, Mitchell, Murray, Warren, Wood, Woody.—10. Total 71.

H. B. No. 365, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Burke, Butzerin, Crutchfield, Duncan, Eliel, Frank, Gray, Groff, King, Murray, Warren, Wood, Woody.—13. Total 71.

H. B. No. 367, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Bogart, Brewster, Butzerin, Crutchfield, Eliel, Gray, Groff, Hayes, Largey, Mitchell, Murray, Warren, Wilham, Wood, Woody.—15. Total 71.

H. B. No. 386, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Brewster, Burke, Butzerin, Byrnes, Christler, Crutchfield, Eliel, Frank, Gray, Groff, King, Mitchell, Murray, Warren, Wilham, Wood, Woody.—17. Total 71.

H. J. R. No. 7, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Burke, Butzerin, Coit, Crutchfield, Eliel, Frank, Gray, Groff, King, Mitchell, Murray, Warren, Wilham, Wood, Woody.—15. Total 71.

H. B. No. 368, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinnis, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Burke, Christler, Coit, Eliel, Frank, Groff, Hayes, King, Mitchell, Roy, Warren, Wood, Woody, Murray.—14. Total 71.

On motion of Hammond, S. B. No. 79 was reconsidered and placed on General Orders.

House resolved itself in Committee of Whole for the consideration of General Orders.

Largey in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. B. No. 79, A bill for an Act appropriating money for the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever, beg leave to report having had the same under consideration and recommend the same be concurred in as amended: "The words and figures Four Thousand (\$4000.00) Dollars in line 1 of Section 1 be amended to read Six Thousand Dollars (\$6000.00.)

Also House Joint Resolution No. 5: A Joint Resolution on Waterways, beg leave to report having had the same under consideration and



recommend the same do pass.

Also H. J. R. No. 6, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. J. R. No. 13, in regard to appointing Mrs. Chas. B. Peyton a Game Warden, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 400, a bill for an Act entitled, "An Act making appropriations for the State Institutions of Montana for the period ending February 28, 1910, and February 28, 1911, beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 401, a bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claims for public printing for the year ending February 28, 1909," beg leave to report having had the same under consideration and recommend the same do pass.

Also Sub. H. B. Nos. 132 and 149, a bill for an Act entitled, "An Act to amend Section 1711 of the Revised Codes of Montana of 1907, relating to the office of mine inspector and deputy mine inspector; prescribing their qualifications and the method of determining same, and for the election of such officers," beg leave to report having had the same under consideration and recommend the enacting clause be stricken out.

Also H. B. No. 384, a bill for an Act entitled, "An Act providing for the issuance of state licenses for automobiles used and operated in the State of Montana, and providing penalties for the operation of automobiles without first procuring such licenses," beg leave to report having had the same under consideration and recommend the same do pass as amended:

Amend Section 2 by striking out in line 8 the words "eight dollars" and inserting in lieu thereof the words "five dollars." (Largey.)

Amend Section 3 by striking out in line 9 the words "or operators."

LARGEY, Chairman of Committee of Whole.

Report adopted.

Mr. Speaker announced that he was about to sign H. B. Nos. 96, 160, 166, 170, 223, 227, 254, 259 and 310, and thereupon signed them in the presence of the House.

### THIRD READING OF SENATE BILLS.

S. B. No. 18, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Woody, Mr. Speaker.—62.

Noes: Garber, Lehrkind.—2.

Absent and not voting: Brewster, Burke, Eliel, King, Mitchell, Murray, Wood.—7. Total 71.



## REPORTS OF STANDING COMMITTEES.

March 2, 1909.

Mr. Speaker:

Your Committee on State Lands, to whom was referred S. B. No. 130, a bill for an Act entitled, "An Act to approve, confirm and ratify sales of State lands heretofore made," beg leave to report the same with the recommendation that it be concurred in with the following amendment:

Section 2. No lands of this State granted to it by the United States, and which the Board of Land Commissioners have heretofore in form sold pursuant to the provisions of Section 29 of an Act entitled, "A bill for an Act to provide for the selection, location, appraisal, sale and leasing of State lands," approved March 4, 1891, or Section 3487 of the Political Code, as enacted by the Act entitled, "An Act relating to the appraisal, sale and leasing of State Lands, etc.," approved March 1, 1899, and for which the State has received the purchase money, shall be sold or otherwise disposed of by the State upon any claim that such sale in form was void because not a public sale, at any time within five years from the passage of this Act. And if, within said period of five years, the Congress of the United States shall assent to or approve sales of lands so granted in the manner in said acts and statutes provided, then all such sales shall stand approved and confirmed.

CLUSTON, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Committee on Privileges and Elections, having had under consideration Senate Bill No. 122, introduced by the Committee on Privileges and Elections, being a bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State," recommend that it be concurred in.

McCOY, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 65, being an Act entitled, "An Act to create the County of Lincoln, designating its boundaries and providing for its organization and government," having had the same under consideration, report the same back without recommendation.

DUNCAN, Chairman.

Report rejected and Senate Bill No. 65 referred to Committee on State Institutions, Public Buildings and Grounds.

Mr. Speaker:

We, your Committee on State Institutions, to whom was referred Senate Bill No. 65, a bill for an Act entitled, "An Act to create the County of Lincoln, designate its boundaries, and provide for its organ-

ization and government," respectfully report same back with the recommendation that it be concurred in.

SHOEMAKER, Chairman.

Report adopted.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bills Nos. 96, 160, 166, 170, 223, 227, 259 and 310 as correctly enrolled.

WOODY, Chairman.

March 2, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 224, 248, 263, 267, 269, 272, 273, 289, 332, 338, 366 and 368, also H. J. M. No. 9 and amendment to Senate Bill No. 79, as correctly engrossed.

WARREN, Chairman.

Report adopted.

March 2, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report amendments to Senate Bill No. 18 as correctly engrossed.

WARREN, Chairman.

#### MESSAGES FROM THE SENATE.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate requests the return of H. B. 141 for further consideration.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate Judiciary Committee having recommended that H. B. No. 21 be not concurred in, report adopted, and the bill is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

March 2, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. Bs. 356, 281, 124 and 100 having been read three several times and concurred in, are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

Moved that House resolve itself in Committee of the Whole for the consideration of General Orders.

Gray in the chair.

## HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred Sub. for H. B. No. 29, beg leave to report having had the same under consideration and recommend the same do pass.

Also Sub. for H. B. No. 205: A bill for an Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor, beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 206: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law," beg leave having had the same under consideration and recommend the same do pass.

Also H. B. No. 162: A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a women's dormitory at the Montana Agricultural College, at Bozeman, Montana," beg leave to report having had the same under consideration and recommend the same do pass with the following amendment:

Amend Section 2 by inserting after the word "November" in line 6 the following: "30th."

Also Senate Sub. for H. C. R. No. 6; Relating to classification of N. P. lands, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also H. B. No. 297: A bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, 1907," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 240: A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expenses of, and the assistants to, the State Examiner, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 277: Beg leave to report having had same under consideration and beg leave to report that the same do pass as amended:

Amend Section 2 by striking out in lines 12 and 14 of the printed bill "Feb. 28, 1909," and inserting in lieu thereof the words "at the time of the approval of this Act."

Also H. B. No. 278: Beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 204: Beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 340: Beg leave to report having had same under consideration and recommend that the same be indefinitely postponed.

Also H. B. No. 359: An Act relating to banks and banking and providing for the creation of a surplus fund, beg leave to report having had the same under consideration, and recommend the same do pass.

Also H. B. No. 350: A bill for an Act entitled, "An Act for the

protection of employees discharged from their employment, and providing penalties for the violation of this Act," beg leave to report having had same under consideration and recommend that the same do pass.

Also H. B. No. 354: A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, 1907, relating to salary and mileage of Court Stenographers," beg leave to report having had same under consideration and recommend the same do pass as amended.

Amend H. B. No. 354 by striking out the word "herein" in line 5 thereof, and inserting after the word "provided" in said line the words "in Section 6376 of the Revised Codes of Montana of 1907."

Also H. B. 321: A bill for an Act entitled, "An Act to appropriate the sum of Five Hundred and Seventy Dollars to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the county clerk of Teton County, Montana, during the year 1908," beg leave to report having had the same under consideration and recommend that the same do pass as amended.

Amend Section 1 by striking out line 10.

Also H. B. No. 389: Beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. No. 380: Beg leave to report having had same under consideration and recommend that the same do pass.

Also H. B. No. 391: Beg leave to report having had same under consideration and recommend the same do pass with the following amendment:

Amend by striking out in line 5, Section 2, the words "seven" and substituting in lieu thereof the word "eight" so the sentence will read "Eight Hundred Dollars."

Also H. B. No. 336: Beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. 251: Beg leave to report having had same under consideration and recommend that it do pass.

Also H. B. No. 238: Beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 294: Having had same under consideration and recommend that the same do pass.

Also H. B. No. 293: Beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 211: Beg leave to report having had same under consideration and recommend the same do pass as amended.

Amend Section 10 by striking out, in line 119 of the printed bill immediately before the word "treasurer" the words "Nels A. Lebang" and by inserting in lieu thereof the words "George L. Zimmerman."

GRAY, Chairman of Committee of the Whole.

On motion, reports adopted.

On motion, House adjourned until 10:30 A. M. tomorrow, March 3, 1909.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Fifty-Ninth Day.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll Call. Quorum present.

Journal read and approved.

### REPORT OF SELECT COMMITTEE.

March 1st, 1909.

Mr. Speaker:

Your Committee on State Fair Investigation begs to report the result of its investigation as follows:

In order to arrive at some idea of the operations of the State Fair since it was taken over by the State in 1903, your Committee engaged an expert accountant to prepare a report on the transactions of the state fair officials. This report made by Donald Arthur, Public Accountant, Butte, is submitted herewith:

As will be seen, the report contains a statement showing the results of the expert's examinations of the receipts and disbursements for the fiscal years of 1903 to 1908 inclusive. The recommendations contained in the report regarding the installation of a complete and proper system of accounting, including the recommendations regarding the issuance of admission tickets and passes, and the publication of contributions received from private individuals are heartily endorsed by this committee. As will be seen by the expert's report, no misappropriation of funds was discovered.

The committee summoned several witnesses before them in order to determine whether or not the State Fair was being operated on a business-like basis, and the testimony of these witnesses showed that while every endeavor was apparently made to operate the Fair for the best interests of the State, the methods used in doing so were far from business-like. In the matter of the construction of plant at the fair grounds, no accurate data could be obtained going to show the cost of each particular unit of the plant, and it developed that practically the entire plant was built by Contractor E. W. Fiske, of Helena, although the witnesses claimed that competitive bids were asked for.

The recommendations of your Committee are:

1. That a complete and proper system of accounting be installed as of December 1, 1908.
2. That the deficiency appropriations for the State Fair be not encouraged in the future.

Respectfully submitted,

MILES ROMNEY, Chairman.

J. M. CONROW.

HENRY RAE.

C. W. McDONNELL.

CHAS. FAIRBANKS.

JAS. WOOD.

J. A. WERNER.

E. C. LARGEY.

V. E. WILHAM.

Report adopted.

**REPORTS OF STANDING COMMITTEES.**

The Steering Committee reports as follows for March 3, 1909.  
Senate Bills 62, 88, 95, 96, 127, 73, 113, 112, 123, 107, Sub. 125 and 120.  
H. J. M. No. 12, H. B. 384, 257, 246, 242, 379, 335, 374, 245, 327, 182, 175,  
319, 351, 320, 359, 251, 297, 298, 308, 261, 240, 321, 396, 397 and 309.

MacGINNISS, Chairman.

The Steering Committee having overlooked an appropriation Bill,  
H. B. No. 194, direct same to be placed on board.

BYRNES.

BURKE.

BREWSTER.

The Steering Committee having overlooked H. B. No. 323, direct it  
posted.

MacGINNISS.

BREWSTER.

The Steering Committee having overlooked Senate Bills 125 and 120  
desire them placed on the board, also H. Bs. Nos. 309 and 10.

BYRNES.

BURKE.

BREWSTER.

Mr. Speaker:

We, your Committee on Horticulture to whom was referred Senate  
Bill No. 113, having had the same under consideration, report the same  
back with the recommendation that it be concurred in with the following  
amendments:

Section 1. That Section 1917 of the Revised Codes of Montana, be  
amended so as to read as follows:

Section 1917. There is hereby created a State Board of Horticulture  
to consist of eight members, seven of whom shall be appointed by the  
Governor, and the State Executive who shall be an ex-officio member  
of the Board. No person shall be appointed on said Board, or employed  
by them who shall be connected in any way, with any nursery, or who  
shall be engaged in the sale, or handling for profit, of any Nursery  
stock."

We, also recommend that the title of the bill be amended by insert-  
in after the word "Horticulture" in line three thereof the following  
words "amending Section 1917."

That line four, page one, be amended by striking out the words  
"Trustees of the Montana Horticulture Society" and inserting in lieu  
thereof the words "State Board of Horticulture".

Amend line 30, page 2, by striking out the word "sum" and insert-  
ing in lieu thereof, the word "sums".

Amend line 31, page 2, by inserting after the word "therefor" a  
comma and the words "And shall be paid out of the funds appropriated



to the Montana State Board of Horticulture".

By amending Section 4, page 2, by striking out therefrom lines 22 and 23.

Section 1. That Section 1 be amended so as to be Section 2, and that every succeeding section be numbered one number higher than it is now.

GROFF, Chairman.

Report adopted.

March 3, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 17, 194, 358, 384, 393, 397 and 402 correctly printed.

O'DONNELL, Chairman.

March 3, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration Senate Joint Resolution No. 6, relating to Postal Divisions of the Railway Mail Service, respectfully report the same back to the House with the recommendation that it be concurred in.

PIERSON, Chairman.

Report adopted.

March 3, 1909.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 404, introduced by Burke, a bill for an Act entitled, "An Act appropriating money for the payment of a claim against the State of Montana for loss arising from slaughtering of diseased animals, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana," having had the same under consideration, recommend that it do pass.

KILGALLON, Chairman.

Report adopted.

March 3, 1909.

Mr. Speaker:

Your Committee on State Boards and Officers, having had under consideration Senate Bill No. 127, being a bill for an Act entitled, "An Act providing for the appointment of an Assistant State Treasurer, and a Deputy State Treasurer, prescribing their duties and fixing their compensation," respectfully report said bill back to the House with the recommendation that it be concurred in.

OWENHOUSE, Chairman.

Report adopted.

#### INTRODUCTION AND READING OF HOUSE BILLS.

H. B. No. 404, by Burke: A bill for an Act appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of diseased animals, under the provisions of Sections 1841 and 1842 of the Revised Codes of Montana.

## THIRD READING OF BILLS.

Senate Bill No. 80, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, Owenhouse, Pierson, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Byrnes, Connelly, Crutchfield, Duncan, Edgerton, Frank, Largey, Mitchell, MacGinniss, O'Donnell, Pomeroy, Shoemaker, Woody.—13. Total 71.

H. J. R. No. 9, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Christler, Cluston, Crouch, Cummings H. T., Cummnigs T. A., Dowling, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Maxwell, Metzel, Murray, McCoy, Norton, Owenhouse, Pierson, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Whaley, Werner, White, Wilham, Wood, Mr. Speaker.—47.

Noes: Bogart, Derry, Hall, Lowney, Ward, Warren, Witmer.—7.

Absent and not voting: Byrnes, Clayberg, Coit, Connelly, Crutchfield, Duncan, Edgerton, Frank, Hanifen, Harbert, Largey, Mitchell, O'Donnell, Pomeroy, Roy, Woody, MacGinniss.—17. Total 71.

Senate Substitute for H. Bs. Nos. 24 and 32, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Groff, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Crutchfield, Frank, Gibson, Gray, Hammond, Hayes, Harbert, Hunter, Kilgallon, Largey, Mitchell, MacGinniss, O'Donnell, Owenhouse, Smith, Wilham, Woody.—17. Total 71.

H. B. No. 217, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton,

Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting. Crutchfield, Cummings T. A., Duncan, Garber, Hammond, Hayes, Harbert, Hunter, Largey, Mitchell, O'Donnell, Wilham, Woody.—13. Total 71.

H. B. No. 244, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Berkin, Butzerin, Crouch, Crutchfield, Derry, Hammond, Hayes, Harbert, Hunter, Largey, Mitchell, Wood, Woody.—13. Total 71.

H. B. No. 248, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Bogart, Butzerin, Connelly, Crutchfield, Derry, Edgerton, Groff, Hammond, Hayes, Harbert, Hunter, Largey, Mitchell, Norton, Wood, Woody.—16. Total 71.

H. B. No. 263, title approved was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hutchinson, Kilgallon, King, Lowney, Metzel, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shoemaker, Smith, Thompson, Werner, Witmer, Mr. Speaker.—42.

Noes: Hayes, Kelsey, Lehrkind, Murray, Shaw, Swick, Ward, White, Wilham, Wood.—10.

Absent and not voting. Brewster, Butzerin, Crutchfield, Derry, Edgerton, Eliel, Gibson, Hammond, Harbert, Hunter, Jacobson, Largey, Maxwell, Mitchell, O'Donnell, Safley, Warren, Whaley, Woody.—19. Total 71.

H. B. No. 267, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hanifen, Hayes, Hutchinson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Witmer, White, Wilham, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Crutchfield, Derry, Eliel, Frank, Hammond, Harbert, Hunter, Jacobson, Largey, Maxwell, Mitchell, Safley, Whaley, Wood, Woody.—15. Total 71.

H. B. No. 269, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—55.

Noes: Hall.

Absent and not voting: Bogart, Berkin, Byrnes, Crutchfield, Frank, Hammond, Harbert, Hunter, Largey, Maxwell, Mitchell, O'Donnell, Safley, Whaley.—14. Total 71.

H. B. No. 270, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Gray, Groff, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: Hall.

Absent and not voting: Crutchfield, Cummings T. A., Frank, Giovanetti, Hammond, Harbert, Largey, Maxwell, Mitchell, Pomeroy, Safley, Shoemaker, Woody.—13. Total 71.

On motion, House recessed until 1:30 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll call. Quorum present

**REPORTS OF STANDING COMMITTEES.**

Steering Committee report for the third of March at noon.

Take off 358 Board and return to General File.

MacGINNISS, Chairman.

March 3, 1909.

Mr. Speaker:

We, your Committee on Insurance, having had under consideration House Bill No. 403, introduced by Smith, being a bill for an Act entitled, "An Act to create a State Accident and Total Permanent Disability Fund for all employees in and around Metalliferous Mines, Mills and Smelters in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor and fixing penalties for the violation of the provisions of this Act," recommend that the same be re-referred to the Judiciary Committee.

LEHRKIND, Chairman.

Report adopted.

March 3, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 206, 291, 296, 297, 315, 360, 359, 350, 380, and 321, House Joint Resolution No. 5, also the amendments to Senate Bill No. 2, as correctly engrossed.

WARREN, Chairman.

March 3, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report House Bills No. 400 and 401 as correctly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bills Nos. 100, 124, 281, and 356 as correctly enrolled.

WOODY, Chairman.

**MESSAGES FROM THE SENATE.**

Helena, Montana, March 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Conference Committee on Senate Bill No. 18, appointed this day and consisting of Edwards, Albright and Romney, has by action of the Senate, been increased to five members by the addition of Tooley and Long to such Committee, and the Senate respectfully ask the House Committee be increased to a like number.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker appointed the following Conference Committee to act with Senate Committee on Senate Bill No. 18, Crutchfield, Woody, MacGinniss, Byrnes, Frank.

March 3, 1909.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the Senate having declined to concur in House Amendments to Senate Bill No. 18, the Senate has appointed Edwards, Albright and Romney as a Conference Committee to confer with a like Committee from the House.

Respectfully,

NATHAN GODFREY, Secretary.

Hammond moved that the report of the Judiciary Committee of yesterday on Senate Bill No. 119 be re-considered.

Motion carried.

On motion of Duncan, Senate Bill No. 119 was placed in the hands of the Steering Committee.

Mr. Speaker announced that he was about to sign Senate Bills No. 111, 56, 52, and 51, and thereupon signed them in the presence of the House.

Mr. Speaker announced that he was about to sign House Bills Nos. 100, 124, 281, 356 and thereupon signed them in the presence of the House.

#### MOTION.

Mr. Speaker.

I move that the Steering Committee be requested to place at the head of General Orders, House Bill 173, by Harbert, providing for the midnight closing of saloons.

GRAY.

Motion passed on the following roll call.

Ayes: Allen, Brewster, Butzerin, Byrnes, Christler, Connelly, Coit, Duncan, Cummings H. T., Cummings T. A., Bogart, Garber, Gibson, Gray, Hall, Hammond, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, Maxwell, Metzel, Murray, McCoy, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson.—33.

Noes: Berkin, Clayberg, Cluston, Crouch, Derry, Edgerton, Elliott, Frank, Giovanetti, Hammond, Hanifen, Hutchinson, Largey, Lehrkind, MacGinniss, Norton, O'Donnell, Dowling, Owenhouse, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Mr. Speaker.—26.

Absent and not voting: Arnett, Burke, Byrnes, Crutchfield, Groff, King, Largey, Mitchell, Pierson, Whaley, Wood.—11. Total 71.

#### THIRD READING OF HOUSE BILLS.

H. B. No. 400, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Christler, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—54.

Noes: None.



Absent and not voting: Bogart, Burke, Byrnes, Clayberg, Crutchfield, Duncan, Frank, Gray, Groff, Hayes, King, Largey, Mitchell, O'Donnell, Pierson, Roy, Werner.—17. Total 71.

H. B. No. 401, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Brewster, Butzerin, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—50.

Noes: None.

Absent and not voting: Arnett, Bogart, Berkin, Burke, Byrnes, Christler, Clayberg, Crutchfield, Duncan, Frank, Gray, Groff, King, Largey, Mitchell, Murray, O'Donnell, Pierson, Roy, Shoemaker, Whaley,—21. Total 71.

H. B. No. 272, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Burke, Byrnes, Christler, Clayberg, Crutchfield, Derry, Duncan, Frank, Gray, Groff, King, Largey, Mitchell, O'Donnell, Pierson, Roy, Shoemaker, Woody.—18. Total 71.

H. B. No. 273, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Edgerton, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.

Noes: None.

Absent and not voting Bogart, Burke, Christler, Clayberg, Crutchfield, Derry, Duncan, Eliel, Frank, Groff, Harbert, King, Largey, Lehrkind, Mitchell, O'Donnell, Pierson, Roy, Swick.—19. Total 71.

H. B. No. 289, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Cluston, Coit, Connelly, Cummings H. T., Cummins T. A., Derry, Dowling, Edgerton, Elliott, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kilgallon, Lowney, Maxwell, Met-

zel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pomeroy, Safley, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—50.

Noes. Kelsey, Lehrkind, Shaw, Swick.—4.

Absent and not voting: Bogart, Burke, Christler, Clayberg, Crutchfield, Duncan, Eliel, Frank, Gibson, Groff, Harbert, King, Largey, Mitchell, O'Donnell, Pierson, Roy.—17. Total 71.

H. B. No. 332, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Butzerin, Byrnes, Cluston, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Maxwell, Metzel, Murray, MacGinnis, Owenhouse, Shoemaker, Smith, Thompson, Ward, Werner, White, Wilham, Witmer, Mr. Speaker.—38.

Noes: Brewster, Coit, Crouch, Cummings H. T., Groff, Hanifen, King, Lehrkind, Lowney, McCoy, Pierson, Roy, Safley, Shaw, Warren, Whaley, Wood, Woody.—18.

Absent and not voting, Arnett, Burke, Christler, Clayberg, Connelly, Crutchfield, Duncan, Frank, Harbert, Largey, Mitchell, Norton, O'Donnell, Pomeroy, Swick.—15. Total 71.

H. B. No. 338, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Cummings, T. A., Derry, Frank, Gibson, Giovanetti, Groff, Hall, Hammond, Hunter, Hutchinson, Kilgallon, King, Largey, Lowney, Murray, MacGinniss, McCoy, Pierson, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Werner, White, Wood, Woody, Mr. Speaker.—39.

Noes: Cluston, Crouch, Crutchfield, Cummings H. T., Dowling, Duncan, Edgerton, Elliott, Garber, Gray, Hanifen, Hayes, Jacobson, Kelsey, Lehrkind, Maxwell, Metzel, Shaw, Ward, Warren, Whaley, Wilham, Witmer.—23.

Absent and not voting: Christler, Connelly, Eliel, Harbert, Mitchell, Norton, O'Donnell, Owenhouse, Swick.—9. Total 71.

#### MOTION.

Mr. Speaker

I move that hereafter all Bills reported favorably by the Committee of the Whole which have not been amended in that Committee or a Standing Committee, be considered engrossed and placed on third reading. This rule to be applied to Bills of a like character now in the hands of the Engrossing Committee.

NORTON.

Motion adopted, No. 315, title approved, was read a third time and passed by the following votes:

Ayes: Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Cummings H. T., Derry, Dowling, Duncan, Edgerton, Elliott, Frank,

Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Allen, Bogart, Christler, Connelly, Crutchfield, Eliel, Garber, Gibson, Hanifen, Harbert, Mitchell, Norton, O'Donnell, Owenhouse, Warren, Woody.—16. Total 71.

H. B. No 366, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Clayberg, Coit, Crouch, Cummings T. A., Cummings H. T., Derry, Dowling, Edgerton, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King Largey, Lowney, Maxwell, Metzell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Berkin, Christler, Cluston, Connelly, Crutchfield, Duncan, Eliel, Gibson, Hanifen, Harbert, Hunter, Largey, Mitchell, Owenhouse, Safley, Warren, Whaley, Woody.—19. Total 71.

H. B. No. 354, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—60.

Noes: Gray, Groff, Hunter, King, Pierson, Whaley.—6.

Absent and not voting: Arnett, Eliel, Frank, Hanifen, Mitchell.—5. Total 71.

H. B. No. 206, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—59.

Noes: None.

Absent and not voting: Berkin, Burke, Christler, Cummings T. A.,

Edgerton, Frank, Gibson, Gray, Hanifen, Jacobson, Mitchell, Woody.—12. Total 71.

H. B. No. 291, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Butzerin, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Dowling, Eliel, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Kelsey, King Largey, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—47.

Noes: Coit, Derry, Duncan, Lehrkind, Lowney, Shoemaker.—6.

Absent and not voting: Arnett, Burke, Byrnes, Christler, Crutchfield, Cummings T. A., Edgerton, Frank, Garber, Hanifen, Hutchinson, Jacobson, Kilgallon, Mitchell, Pierson, Safley, Shaw, Woody.—18. Total 71.

H. B. No. 296, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, Norton, Owenhouse, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Arnett, Burke, Christler, Cummings T. A., Garber, Gibson, Hanifen, Hutchinson, Kilgallon, Mitchell, MacGinniss, O'Donnell, Pierson, Shaw.—14. Total 71.

H. B. No. 297, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Arnett, Burke, Christler, Edgerton, Hanifen, Harbert, Mitchell, MacGinniss, McCoy, Norton, Pierson, Shoemaker, Woody.—13. Total 71.

H. B. No. 350, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Derry, Dowling, Duncan, Eliel,

Garber, Groff, Hall, Hammond, Harbert, Hutchinson, Kilgallon, King, Lehrkind, Lowney, Maxwell, Murray, MacGinnis, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, Wilham, Witmer, Mr. Speaker.—44.

Noes: Brewster, Berkin, Cummings T. A., Elliott, Frank, Giovanetti, Hunter, Jacobson, Kelsey, Largey, Metzel, McCoy, Owenhouse, Shaw, White, Wood.—15.

Absent and not voting: Burke, Connelly, Crutchfield, Edgerton, Gibson, Gray, Hanifen, Hayes, Mitchell, Shoemaker, Woody.—11. Total 71.

H. B. No. 359, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Cluston, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Gibson, Giovanetti, Groff, Hall, Hammond, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Allen, Burke, Clayberg, Crouch, Crutchfield, Edgerton, Garber, Gibson, Gray, Hanifen, Hayes, Hutchinson, King, Mitchell, Woody.—14. Total 71.

H. B. No. 360, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Giovanetti, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting. Allen, Byrnes, Clayberg, Crutchfield, Edgerton, Garber, Gibson, Gray, Groff, Hanifen, Hutchinson, Mitchell, Safley, Swick, Whaley, Woody.—16. Total 71.

H. B. No. 380, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—51.

Noes: None.

Absent and not voting. Allen, Bogart, Burke, Butzerin, Byrnes, Christler, Crutchfield, Derry, Garber, Gibson, Gray, Groff, Hanifen, Kil-



gallon, Mitchell, Norton, Safley, Shoemaker, Wood, Woody.—20. Total 71.

H. B. No. 321, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting. Allen, Bogart, Burke, Butzerin, Christler, Crutchfield, Garber, Gibson, Hanifen, Hutchinson, Mitchell, O'Donnell, Safley, Wilham, Woody.—15. Total 71.

H. B. No. 5, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—60.

Noes: None.

Absent and not voting: Allen, Bogart, Burke, Christler, Crouch, Crutchfield, Garber, Hanifen, Mitchell, O'Donnell, Shaw.—11. Total 71.

H. B. No. 162, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Allen, Burke, Cummings T. A., Gray, Hanifen, Harbert, Mitchell, Norton, Pomeroy, Roy, Warren, Wood, Woody.—13. Total 71.

H. B. No. 278, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon,



King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—56.

Noes: Lehrkind, Safley.—2.

Absent and not voting: Allen, Bogart, Butzerin, Byrnes, Crutchfield, Gibson, Gray, Hanifen, Hayes, Mitchell, Swick, Wilham, Woody.—13. Total 71.

Mr. Speaker announced that he was about to sign House Bills Nos. 24 and 32 and thereupon signed them in the presence of the House.

### THIRD READING OF SENATE BILLS.

S. B. No. 2, title approved, was read a third time and concurred in by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Shaw, Shoemaker, Smith, Thompson, Warren, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: Pierson, Woody.—2.

Absent and not voting: Allen, Burke, Crutchfield, Duncan, Gibson, Hanifen, Lehrkind, Mitchell, Roy, Safley, Swick, Ward, Whaley.—13. Total 71.

S. B. No. 79, title approved, was read a third time and concurred in by the following vote:

Ayes: Arnett, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Werner, White, Wilham, Witmer, Woody, Mr. Speaker.—51.

Noes: None.

Absent and not voting: Allen, Bogart, Burke, Crouch, Gibson, Mitchell, Safley, Swick, Whaley, Wood.—10. Total 71.

S. B. No. 76, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Connelly, Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Hayes, Hunter, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Murray, MacGinniss, Norton, O'Donnell, Roy, Thompson, Warren, Wilham, Mr. Speaker.—34.

Noes: Bogart, Butzerin, Coit, Cummings H. T., Derry, Duncan, Garber, Gibson, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson,

Jacobson, Kelsey, Metzel, McCoy, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody.—33.

Absent and not voting: Allen, Crouch, Crutchfield, Mitchell.—4.  
Total 71.

H. J. R. No. 13, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Coit, Connelly, Cummings H. T., Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shoemaker, Smith, Thompson, Ward, Warren, Werner, White, Wilham, Witmer.—58.

Noes: Gray, Shaw, Swick.—3.

Absent and not voting: Allen, Clayberg, Crouch, Crutchfield, Cummings T. A., Derry, Mitchell, Whaley, Wood, Woody.—10. Total 71.

On motion, House recessed until 8:00 P. M.

#### EVENING SESSION.

House met pursuant to recess at 8:00 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

On motion, House resolved itself in Committee of the Whole for consideration of General Orders.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bills Nos. 396, 319, 320, 194, 246, 397 and Sub. H. B. 10, having had the same under consideration, recommend the same do pass.

Also S. B. 59: Having had same under consideration and recommend the same be concurred in with the following amendments:

Amend Senate Bill 59 by adopting all and singly the several amendments made in Committee of the Whole yesterday of said Senate Bill No. 59, except the amendment offered by the gentleman from Missoula, Mr. Woody, to Sections No. 23 and No. 94, which said amendments it is proposed to be now adopted are as follows:

Change the word "registrar" to the word "register" in the following places and wherever else the same occurs in the printed bill, to-wit:

On page 11, lines 243 and 244.

On page 11, lines 264 and 269.

On page 20, line 471.

On page 23, line 536.

On page 24, lines 557 and 568.

On page 25, lines 583 and 600.

On page 27, line 647.

On page 28, lines 654 and 656.

On page 36, line 863.

Amend Section 5, line 60 of the printed bill, after the words "dollars per annum," by inserting the following: "and actual necessary expenses when engaged in outside work."

Amend Section 17, line 192, after the words "offender or offenders," by inserting the words "if in his judgment the facts warrant the same."

Amend Section 26, line 324, by inserting after the words "all coal areas in the State," the words "after final examinations are," and strike out the word "as" in said line.

Amend Section 28, line 329, by inserting after the word "provided" the following: "provided however, that the surface rights of such land may be sold or may be leased for either agricultural or grazing purposes."

Amend Section 34 by striking out all of line 416 after the word "provided," and all of lines 417, 418 and 419, and all of line 420 down to and including the words "as timber lands," and insert in lieu thereof the words, "that whenever the soil of any timber land is of such character that when cleared it would make good agricultural land, the land may be sold with the timber thereon."

Amend Section 35, line 443, after the words "such bidder shall" by inserting the words "immediately enter into a bond or give the State other sufficient surety conditioned that he will."

Strike out all of Section 38 and re-number the following sections to correspond.

Amend Section 40, line 500, by striking out the words "if all" and inserting in lieu thereof the words "a description of the," and in line 501 by striking out the words "are not."

Amend Section 49, line 573, by adding at the end of the line the following proviso: "Provided that such hearing may be had upon the testimony taken before some officer authorized to administer oaths in the county in which the land involved is situated."

Amend Section 107, line 1096, after the words "of this Act," by inserting the words "and not herein otherwise provided for."

Amend Section 72 by striking out in line 823 the word "unleased."

Amend Section 72 by striking out in line 833 after the word "claim" by adding the words "for ten dollars per acre."

Amend Section 72 by striking out all of lines 835 and 836.

Amend Section 36 by striking out the words in said section beginning with the word "when," line 457, down to and including the word "State" in line 469.

Amend Section 69 by striking out in line 785 the word "after" and inserting therefor the word "before."

THOMPSON, Chairman of Committee of the Whole.

On motion of MacGinniss, S. B. No. 59 was considered engrossed and placed on third reading.

S. B. No. 59, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Berkin, Burke, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kilgallon, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Swick, Ward, Whaley, Werner, Wilham, Witmer, Wood, Mr. Speaker.—53.

Noes: Bogart, Brewster, Butzerin, Coit, Duncan, Kelsey, King, Lehrkind, Pierson, Safley, White.—11.

Absent and not voting. Byrnes, Crutchfield, Cummings H. T., Frank, Groff, Hammond, Hanifen, Hunter, Mitchell, Thompson, Warren, Woody.—12. Total 71.

### THIRD READING OF HOUSE BILLS.

Sub. H. B. No. 10, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Christler, Clayberg, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—53.

Noes: None.

Absent and not voting. Burke, Byrnes, Cluston, Crutchfield, Cummings H. T., Edgerton, Frank, Gibson, Gray, Groff, Hammond, Hanifen, Hunter, Mitchell, Smtih, Thompson, Warren, Woody.—18. Total 71.

Sub. H. B. 246, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Christler, Clayberg, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Butzerin, Byrnes, Cluston, Crutchfield, Cummings H. T., Derry, Edgerton, Frank, Groff, Hammond, Hanifen, Hunter, Mitchell, Smith, Thompson, Warren, Woody.—17. Total 71.

H. B. No. 319, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thomp-

son, Swick, Ward, Whaley, Witmer, Wood, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Byrnes, Crutchfield, Cummings H. T., Frank, Groff, Hammond, Hanifen, Hunter, Kilgallon, Mitchell, O'Donnell, Shoemaker, Warren, Werner, White, Wilham, Woody.—17. Total 71.

H. B. No. 320, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Bogart, Byrnes, Crutchfield, Cummings H. T., Cummings T. A., Derry, Frank, Groff, Hammond, Hanifen, Hunter, Lehrkind, Mitchell, Shoemaker, Warren, Woody.—15. Total 71.

H. B. No. 396, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Byrnes, Crutchfield, Cummings H. T., Derry, Dowling, Frank, Groff, Hammond, Hanifen, Hunter, Lehrkind, Mitchell, MacGinniss, Warren, Wilham, Woody.—16. Total 71.

H. B. No. 397, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Byrnes, Crutchfield, Cummings H. T., Derry, Frank, Garber, Groff, Hammond, Hanifen, Hunter, Mitchell, MacGinniss, Shoemaker, Smith, Warren, Woody.—16. Total 71.

H. B. No. 194, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Christler, Clayberg,

Cluston, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Gibson, Giovanetti, Groff, Hall, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Metzel, Murray, McCoy, O'Donnell, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Werner, Wilham, Witmer, Wood, Mr. Speaker.—44.

Noes: Burke, Garber, Gray, Hayes, Owenhouse, Roy, Swick, Whaley, White.—9.

Absent and not voting: Bogart, Byrnes, Crutchfield, Cummings H. T., Frank, Hammond, Hanifen, Hunter, King, Lehrkind, Lowney, Maxwell, Mitchell, MacGinniss, Norton, Pierson, Warren, Woody.—18. Total 71.

#### REPORTS OF STANDING COMMITTEES.

Place H. B. 285 and S. B. 63 on General Orders.

BURKE,  
CUMMINGS,  
BREWSTER,  
BYRNES,

Steering Committee reports for March 3, P. M.

Appropriations Bills No. 387, 383, 393, 394, 395, 399, 390, 404.

MacGINNISS, Chairman.

Steering Committee report, March 3, 1909.

Put up Senate Bill 130.

MacGINNISS,  
BYRNES,  
BREWSTER,  
CUMMINGS,

Committee.

Report Senate Bill 122 at once. March 3, 3:30 P. M.

STEERING COMMITTEE,  
BREWSTER,  
BYRNES,  
MacGINNISS.

Steering Committee report, March 3, P. M., S. Bill 122.

COMMITTEE, MacGinniss, Chairman.

On motion, House resolved itself in Committee of the Whole for consideration of General Orders.

McCoy in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred H. B. No. 387, beg leave to report having had the same under consideration and recommend that it do pass.

Also H. B. No. 285: Beg leave to report having had the same under consideration and recommend that the same do pass with the following amendments:

Amend Section 5 by striking out the entire section.

Amend Section 15 by striking out in lines 252 and 253 the words



"graduates of reputable Schools of Pharmacy."

Also S. B. 62: Beg leave to report having had the same under consideration and recommend the same be concurred in.

Also H. B. No. 404: Beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. 395: Beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. 394, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 390: Beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. 383: Beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. 393: Beg leave to report having had the same under consideration and recommend the same do pass.

McCOY,

Chairman of Committee of Whole.

On motion, report adopted.

### THIRD READING OF HOUSE BILLS.

H. B. No. 383, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Metzel, Murray, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—51.

Noes: None.

Absent and not voting: Bogart, Clayberg, Cluston, Crutchfield, Cummings H. T., Duncan, Frank, Groff, Hammond, Hanifen, Hunter, King, Lowney, Maxwell, Mitchell, MacGinniss, Norton, Warren, Wood, Woody, 20. Total 71.

H. B. No. 393, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55

Noes: None.

Absent and not voting: Burke, Putzerin, Crutchfield, Cummings H. T., Derry, Frank, Gray, Groff, Hammond, Hanifen, Kelsey, Maxwell, Mitchell, Owenhouse, Warren, Woody.—16. Total 71.

H. B. No. 387, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—50.

Noes: None.

Absent and not voting: Burke, Cluston, Coit, Crutchfield, Cummings H. T., Derry, Frank, Gray, Groff, Hammond, Hanifen, Hunter, King, Lowney, Maxwell, Mitchell, Murray, Owenhouse, Shoemaker, Warren, Woody.—21. Total 71.

H. B. No. 394, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Burke, Coit, Crutchfield, Cummings H. T., Edgerton, Gray, Groff, Hammond, King, Maxwell, Shoemaker, Smith, Warren, Woody.—15. Total 71.

H. B. No. 395, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Metzel, Murray, MacGinniss, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Butzerin, Crutchfield, Cummings H. T., Derry, Frank, Hanifen, Hayes, Hunter, Largey, Lowney, Maxwell, Mitchell, McCoy, Norton, Owenhouse, Thompson, Warren, Woody.—18. Total—71.

H. B. No. 390, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Bogart, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Metzel, Murray, MacGinniss,

McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting, Burke, Crutchfield, Cummings H. T., Frank, Hall, Hammond, Hanifen, Largey, Maxwell, Mitchell, Warren, Wilham, Woody.—13. Total 71.

H. B. No. 404, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Murray, MacGinniss, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Butzerin, Connelly, Crouch, Cummings H. T., Frank, Groff, Hammond, Hanifen, Hunter, Maxwell, Mitchell, McCoy, Norton, Smith, Warren, Woody.—16. Total 71.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Engrossment beg leave to report H. B. No. 162 correctly engrossed.

WARREN, Chairman.

Steering Committee Report March 3, P. M.

Put up on general orders now S. B. 65.

House Steering Committee majority.

MacGINNISS, Chairman.

See Senate Steering Committee herewith.

Sterling Committee report March 3, (night).

S. B. 119. H. B. 271.

Committee,  
MacGINNISS.  
BYRNES.  
CUMMINGS.

The majority of the Steering Committee request S. B. 90 to be placed on the Board.

BYRNES.  
MacGINNISS.  
BURKE.  
CUMMINGS.

Place H. B. 385 on General Orders to-night. (Appropriation Bill).

PIERSON.  
CONNELLY.  
MacGINNISS.  
CUMMINGS.  
BREWSTER.

Helena, Montana, March 3, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bills Nos. 240, 293, 294, 336, 389, 391, 277, Substitute for H. B. No. 205, and Sub. for H. B. 29, House Joint Resolution No. 13 and 6 and also amendments to Senate Bills Nos. 79 and 76, as correctly engrossed.

WARREN, Chairman.

March 3, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report House Bill No. 278, as correctly enrolled.

WARREN, Chairman.

March 3, 1909.

Mr. Speaker:

We, your Engrossing Committee, beg leave to report House Bills Nos. 309 as correctly engrossed.

WARREN, Chairman.

Helena, Montana, March 3, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report Senate Substitute for House Concurrent Resolution No. 6 as correctly printed.

O'DONNELL, Chairman.

March 3, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bills Nos. 404, 382, 392, correctly printed.

O'DONNELL, Chairman.

#### MESSAGES FROM THE SENATE.

Helena, Montana, March 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that in compliance with request from the Senate to return Senate Bill No. 119 to the House and the same is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

On motion, House resolved itself in Committee of the Whole for the consideration of General Orders.

Smith in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole to whom was referred Senate Bill No. 88, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Senate Bill No. 95: A bill for an Act entitled, "An Act providing that the Coroner of the County wherein the State Prison is located, may hold an inquest over the body of the deceased prisoners: and providing for the expenses of such inquests", beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Senate Bill No. 96: A bill for an Act entitled, "An Act appropriating money for the payment to Powell County for the prosecution of one John Sullivan, a prisoner in the State Penitentiary", beg leave to report having had the same under consideration and recommend that the same do pass.

Also Senate Bill No. 123: Beg leave to report having had the same under consideration and recommend that the same be concurred in.

Also Senate Bill No. 127: A bill for an Act entitled, "An Act providing for the appointment of an Assistant State Treasurer, and a Deputy State Treasurer, prescribing their duties, and fixing their compensation", beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Senate Bill No. 73: Beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Senate Bill 113: Beg leave to report having had the same under consideration and recommend the same be concurred in as amended.

Also Senate Bill No. 112: Beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Senate Bill No. 122: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the Electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State," beg leave to report having had the same under consideration and recommend the same be concurred in as amended:

Amend Section 8 by striking out the words, "of the political party", in line 57, and the words, "of all candidates of the same political party", in line 58, and the words, "of such party", and the word "of" after the word "event", and the words, "of the same political party", in lines 59 and 60, and the words "of such political party", in line 61, and the words, "and each of any such candidates shall be treated and regarded as the choice of such party", in lines 63 and 64 of the printed bill, so that such section as amended will read as follows:

"Section 8. The candidate receiving the highest number of votes in the State shall be considered as the choice of the electors. In the event two or more candidates receive the same number of votes in the State, said number of votes being the highest number received in the State by any of the candidates, the names of two or more such candidates so receiving the same number of votes shall be certified by the Secretary of the State as hereinafter provided."

Amend Section 10 by striking out the words, "of the party to which each member belongs", in lines 74 and 75, and the words, "of such party", in lines 75 and 76, and the words, "No member of the Legislative Assembly shall be considered as requested to vote for any candidate of a political party to which he does not belong", in lines 76 and 77 and 78 of the printed bill, so that said section will read:

‘Section 10. The certificate referred to in the preceding section, shall be taken and considered by the members of the Legislative Assembly as a request by the electors to vote for the candidates, or one of the candidates named in such certificate for the office of Senator in Congress.’

The report of the Committee of the Whole, on motion, was adopted, except that part relating to Senate Bill No. 122.

On motion of Pierson, S. B. No. 122 as amended was adopted by the following roll call.

Ayes: Allen, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crouch, Crutchfield, Dowling, Duncan, Elliott, Frank, Garber, Giovanetti, Groff, Hanifen, Hayes, Kilgallon, King, Largey, Lehrkind, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—34.

Noes: Arnett, Bogart, Brewster, Butzerin, Coit, Connelly, Cummings T. A., Derry, Edgerton, Eliel, Gibson, Hall, Harbert, Hutchinson, Jacobson, Kelsey, Metzel, Murray, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer, Wood.—29.

Absent and not voting: Cummings H. T., Gray, Hammond, Hunter, Lowney, Maxwell, Mitchell. Norton.—8. Total 71.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Engrossemnt report House amendments to Senate Bill No. 122 correctly engrossed.

WARREN, Chairman.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred S. B. 14, H. B. 15, H. B. 1, H. B. 120, H. B. 157 regarding taxation on mortgages, and H. B. 274 relating to fees for filing incorporation papers, beg to report same back without any recommendation except that same be placed on General File.

COMMITTEE, by MacGinniss, Chairman.

Report adopted.

#### REPORT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 18.

March 4, 1909.

Mr. Speaker:

Your Joint Committee of the House and Senate, appointed to confer upon Senate Bill No. 18, beg leave to report as follows:

1. Your Committee recommends that the word “other” appearing in line 14 of the re-printed bill be stricken out and the words “more feasible” be inserted in lieu thereof.

2. Your Committee recommends that the word “other” appearing in line 91 of the re-printed bill be stricken out and the words “more feasible” be inserted in lieu thereof.

3. Your Committee recommends that the word “other” appearing in line 399 of the re-printed bill be stricken out and the words “more feasible” be inserted in lieu thereof.



4. Your Committee recommends that the word "other" appearing in line 529 of the re-printed bill be stricken out and the words "more feasible" be inserted in lieu thereof.

5. Your Committee recommends that lines 42 and 43 and 44 of the re-printed bill be re-inserted, and that in addition thereto, after the word "matter" the following be inserted: "provided such misdescribed lands or misnamed person shall not be included in said 'district.'"

6. Your Committee recommends that the words "within ten days from the entry of such order" heretofore stricken out, be re-inserted to read as follows: "within sixty days from the date of entry of such order."

7. Your Committee recommends that, commencing in line 441 of the re-printed copy thereof, the following be inserted: "The provisions of this Section shall not apply to any contract for the completion of works in course of construction by private owners from whom said works may be acquired under the provisions of Section 9 of this Act."

8. Your Committee recommends that all of Section 36 be stricken out and that the following be inserted in lieu thereof:

"Section 36. Substitution of Water.—Wherever any canal, constructed, owned or controlled by the district crosses any creek, stream, water channel or course, the water of which is used to irrigate land lying below such canal, the district shall have the right to supply such land below the canal, whether such land is included in the district or not, with water from the works of the district, and the owner or lessee of such land shall, in such case, be furnished with the same quantity of water as that to which such owner or lessee would be entitled out of such creek, stream, water channel or course, had the district works not been built.

Such quantity of water shall be furnished irrespective of any shortage of water in the canal and such substituted water shall be furnished to the owner or lessee of such land below the canal at such point or points, and in such manner as not to impose any charge or expense of any kind whatsoever upon such owner or lessee. In the event of the failure to supply such owner or lessee with said quantity of water from the canal, such owner or lessee shall be immediately relegated to the same right such owner or lessee had before such substitution was made, and in the event of any failure to supply such owner or lessee with water from said canal, such owner or lessee shall immediately have the right to retake and use all of the water possessed and used by said owner or lessee prior to said substitution, and all expense and charges of said owner or lessee in retaking said water shall be paid forthwith by the District. No substitution of water or continuation thereof shall ever be held or deemed to be an adverse user of said water as against such owner or lessee, and it shall be the duty of the District at all times to fully and completely maintain in complete and perfect working order all of the ditches theretofore used in connection with the waters so taken, and if at any time the owner or lessee shall not receive the substituted water from the canal in full quantity, the owner or lessee shall have the right to enter upon and in the premises and divert the

water into his ditches and from said canal, and in so doing, shall not be deemed or considered a trespasser."

9. Your Committee recommends that all House and Senate amendments heretofore made, except where conflicting with those herein stated, be concurred in by both branches of the Legislative Assembly, and that with the amendments heretofore suggested the bill be passed by both branches.

Respectfully submitted,

EDWARDS,  
LONG,  
ROMNEY,  
ALBRIGHT,  
TOOLEY,  
FRANK,  
MacGINNISS,  
BYRNES.

Report rejected.

#### MINORITY REPORT OF CONFERENCE COMMITTEE ON S. B. 18.

March 3, 1909.

Mr. Speaker:

We, a minority of your Committee appointed to confer with a Committee from the Senate on House amendments to Senate Bill No. 18, a bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition either by construction or otherwise; and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts and to provide for the payment therefor and for the expense of such districts, and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of Sections 2309 to 2402 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907," beg leave to report as follows:

That your Committee met with a like Committee from the Senate and proceeded to consider the House amendments to said Senate Bill No. 18.

After such consideration we, a minority of your Committee, recommend to the House that the House amendment added to Section 1 be corrected and amended by striking out the word "other" in line 14 and inserting the words "more feasible;" that the House amendment in Section 4 be corrected and amended by striking out the word "other" in line 91 and inserting the words "more feasible;" that the House amendment to Section 24 be corrected and amended by striking out in line 399 the word "other" and inserting the words "more feasible;" that the House amendment to Section 35 be corrected and amended by striking out in line 529 the word "other" and inserting the words "more feasible."

That the House recede from the amendment made by striking out

lines 42, 43, and 44 and that the lines be reinstated, but that there be added thereto the following: "provided such misdescribed lands or misnamed persons shall not be included in said district."

That the House recede from the amendment striking out the lines 114 and 115 and that the same be reinstated, but that the word "ten" in line 114 be changed to the word "sixty."

That the House recede from the amendment striking out a portion of line 441 and all of lines 442 and 444 inclusive, and that the same be reinstated.

That the House do not recede from its amendment to Section 36 and that the said Section 36 stand as amended by the House.

WOODY,  
CRUTCHFIELD,

Minority of Conference Committee.

Minority report adopted.

On motion of Norton, House adjourned until 10:00 A. M. tomorrow.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

## Sixtieth Day.

House met pursuant to adjournment at 10:30 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Roll call. Quorum present.

Journal read and approved.

### REPORTS OF STANDING COMMITTEES.

Steering Committee report for March 4, 1909.

H. J. M. 12, House Bills Nos. 257, 384, 136, 201, 158, 163, 342, 379, 335, 245, 327, 175, 351, 298, 308, 323, 385, 271.

Report H. Bs. 158 and 163.

STEERING COMMITTEE,  
BYRNES,  
CUMMINGS,  
BURKE.

Report S. B. 14 and H. B. 17 on General Orders.

BYRNES,  
MacGINNISS,  
CUMMINGS,

Steering Committee report for March 3, (Lost.)

H. B. 374, Sub. 182, and all bills now on board, then 174, 261, 295 and Sub. H. B. 55.

COMMITTEE, MacGinniss, Chairman.

Helena, Montana, March 3, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House

Bills Nos. 204, 211 and 238 properly engrossed.

WARREN, Chairman.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 194 as correctly engrossed.

WARREN, Chairman.

March 4, 1909.

Mr. Speaker:

We, your Committee on Affairs of Cities, to whom was referred House Bill No. 388: Being a bill for an Act to amend Sections 749 and 750 and 752 of the Penal Code of the State of Montana, relating to ring and prize fights, and premeditated contests, and boxing matches, respectfully report same back to the House with the recommendation that it do pass.

BURKE, Chairman.

Report adopted.

#### RESOLUTION.

The following resolution was read and adopted:

Be It Resolved by the Legislative Assembly of the State of Montana:

That the cordial congratulations of the whole people of Montana are hereby extended to the Honorable William H. Taft upon his assuming the duties of President of the United States, and we express our unqualified confidence in his wisdom, his spotless character and his high devotion to the nation and every part thereof.

Resolved: That this message be immediately telegraphed to President Taft by the Clerk of this Body.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 24 and 80, and thereupon signed them in the presence of the House.

#### MESSAGES FROM THE SENATE.

March 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bills 129 and 131, having been read three several times and passed, are herewith transmitted to the House for its concurrence.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bills 256 and Sub. for H. B. 52, H. B. 346, Sub. for H. B. 171 and Sub. H. B. 243, having been read three several times and concurred in, are herewith returned to the House.

Respectfully,

NATHAN GODFREY, Secretary.

March 3, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Sub. for House Bill No. 209 and Sub. for H. B. 237, having been read three several times and concurred in as amended, are herewith trans-

mitted for your concurrence in Senate amendments to above bills, and also House Bill No. 108, having been read three several times and concurred in, is herewith returned, also House Joint Resolution No. 8, having been read three several times and concurred in as amended, is herewith transmitted for your concurrence in Senate amendment.

Respectfully,

NATHAN GODFREY, Secretary.

### THIRD READING OF SENATE BILLS.

S. B. No. 62, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Clayberg, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Foy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—60.

Noes: None.

Absent and not voting: Byrnes, Christler, Cluston, Connelly, Frank, Groff, Harbert, Mitchell, O'Donnell, Smith, Wilham.—11. Total 71.

S. B. No. 88, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Burke, Butzerin, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hayes, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—52.

Noes: Metzel.—1.

Absent and not voting: Bogart, Berkin, Byrnes, Christler, Derry, Duncan, Frank, Gray, Hammond, Harbert, Hunter, Hutchinson, Maxwell, Mitchell, Norton, O'Donnell, Pomeroy, Smith.—18. Total 71.

S. B. No. 95, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummnigs H. T., Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Werner, White, Wilham, Woody, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Berkin, Christler, Crutchfield, Derry, Frank, Gray, Groff, Harbert, Hunter, Norton, O'Donnell, Pierson, Pomeroy, Smith, Warren, Whaley, Witmer, Wood.—18. Total 71.

S. B. No. 96, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Garber, Gibson, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Owenhouse, Roy, Safley, Shaw, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Christler, Crutchfield, Edgerton, Elliott, Frank, Giovanetti, Gray, Harbert, O'Donnell, Pierson, Pomeroy, Shoemaker, Smith, Woody.—14. Total 71.

S. B. No. 73, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Bogart, Burke, Byrnes, Christler, Crutchfield, Frank, Gray, Harbert, Maxwell, Norton, O'Donnell, Pomeroy, Woody.—13. Total 71.

S. B. No. 113, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Brewster, Berkin, Butzerin, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, Norton, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Woody, Mr. Speaker.—55.

Noes: Arnett, Cumminigs T. A., Lehrkind, McCoy, Witmer, Wood.—6.

Absent and not voting: Bogart, Byrnes, Christler, Edgerton, Frank, Gibson, Hunter, MacGinniss, O'Donnell, Pomeroy.—10. Total 71.

S. B. No. 112, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Brewster, Burke, Butzerin, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cumminigs H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, McCoy, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Thompson, Swick, Ward, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—49.



Noes: None.

Absent and not voting: Bogart, Berkin, Byrnes, Christler, Cluston, Edgerton, Frank, Garber, Gibson, Hayes, Harbert, Hunter, Maxwell, MacGinniss, Norton, O'Donnell, Pomeroy, Safley, Smith, Warren, Whaley, Wilham.—22. Total 71.

House amendments to S. B. No. 122 was read a third time and concurred in by the following vote:

Ayes: Allen, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Crouch, Crutchfield, Dowling, Duncan, Elliott, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—37.

Noes: Arnett, Bogart, Brewster, Butzerin, Coit, Connelly, Cummings H. T., Cummings, T. A., Derry, Edgerton, Eliel, Gibson, Gray, Hall, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Murray, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Werner, White, Witmer.—22.

Absent and not voting: Frank, Wood.—2. Total 71.

On motion of Norton, House recessed until 1:30 P. M.

#### AFTERNOON SESSION.

House met pursuant to recess.

Mr. Speaker in the chair.

Roll Call. Quorum present.

#### REPORTS OF STANDING COMMITTEES.

Report of Steering Committee for March 3, (Noon).

Put up H. B. No. 202.

Committee,  
MacGINNISS.  
BYRNES.

Steering Committee report for General Orders on March 3, (Noon). S. B. 130, 65, 125, 123, 120, 100, 90, 119, 14, 18. Con. Res. 1, H. B. Nos. 374, 182, 202, 280, 257, 384, 245, 12, 271, 201, S. Sub. Jt. Res. 6, H. Res. 6, Sub. H. 29, H. B. 277, Sub. 205, 240, 293, 294, 336, 389, 391, 279, 309, 211, 204, 238.

Committee,  
MacGINNISS, Chairman.

March 4, 1909.

Note When any three Bills on General Orders are recommended for passage, put them on third reading on the Board without a further report in some order.

March 4, 1909.

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration Senate Bill No. 131, entitled, "An Act to Regulate Common Carriers and to provide for Certain Appliances, Rules and Regulations looking to the Safety of the Traveling Public and Employees upon Railway Trains, and to Confer upon the Railroad Commission of Montana

certain powers in relation thereto," report the same back to the House and recommend that the Bill be concurred in.

PIERSON, Chairman.

Report adopted.

March 4, 1909.

Mr. Speaker:

We, your Committee on Highways, having had under consideration Senate Bill No. 129, introduced by McCarthy, being a bill for an Act entitled, "An Act to establish, locate and construct a state road and to employ convicts in the construction and maintenance thereof", report same back with the recommendation that it be concurred in.

DOWLING, Chairman.

Report adopted.

Mr. Speaker:

Your Committee on State Lands, having had under consideration House Joint Resolution No. 14, Whereas, numerous complaints have been made concerning the character, construction and efficiency of canals and ditches constructed by certain contractors under contract of the Carey Land Act Board and that said canals and water supply are insufficient to irrigate the lands withdrawn from settlement and for the purpose of reclamation under the Carey Land Act or to furnish the settlers now upon said land with an adequate supply of water for irrigation and domestic purposes, having had the same under consideration report the same back with the recommendation that it do pass.

CLUSTON, Chairman

March 4, 1909.

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 384 as correctly enrolled.

WARREN, Chairman.

March 4, 1909.

Mr. Speaker:

We, your Committee on Printing, beg leave to report House Bill No. 388 correctly printed.

O'DONNELL, Chairman.

On motion, House resolved into Committee of the Whole for the consideration of General Orders.

Frank in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Committee of the Whole reported as follows:

March 4, 1909.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 374, beg leave to report having had the same under consideration, and recommend that the same do pass.

Also House Bill No. 182: A bill for an Act to regulate common carriers and to Provide for Certain Appliances, Rules and Regulations,

looking to the Safety of the Traveling Public and Employees upon Railroad Trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto, "beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. No. 202: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the Salary and Compensation of Deputies to County Officers and Assistants," beg leave to report having had the same under consideration and recommend that the same to pass.

Also H. B. No. 280: A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant powder or blasting powder," beg leave to report having had same under consideration and recommend the same do pass.

Also H. B. No. 257: "An Act to regulate the public services of stations and jacks in Montana," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. 245: An Act to Provide Non-Partisan Nomination for Judicial Offices, beg leave to report having had the same under consideration and recommend the same do pass.

Also H. J. M. No. 12: "To the Honorable Senate and House of Representatives of the United States in Congress Assembled," beg leave to report having had the same under consideration and recommend that the same do pass.

Also H. B. No. 271: "An Act to punish the making or use of false statements to obtain credit," beg leave to report having had the same under consideration and recommend the same do pass.

Also H. B. No. 309: "An Act to provide for the permanent improvement of Main Highways, by extension of County aid for such purpose; to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby, for a payment of a part of the cost thereof," beg leave to report having had the same under consideration and recommend the same do pass.

On motion, report of the Committee of the Whole adopted.

On motion of Berkin, House took up order of Business.

#### MESSAGES FROM THE SENATE.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills 61, 150 and 83, not being concurred in are herewith returned; also H. B. 141, the Senate refused further consideration and it is herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills 244, 372, 269, and 88 having been read three several times and concurred in are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Amendments to Senate Bill No. 2 not concurred in by Senate and the President appointed a conference committee of three composed of Selway, Meyer, and Conrow, to confer with a like committee appointed by the House.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker appointed Norton, Whaley and Swick as a conference committee to act with like committee for the Senate on House amendments to Senate Bill No. 2.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that H. B. Nos. 354, 270, and 306 having been read three several times and concurred in are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that House Bills 228, 331, 273, Sub. for 214 and 272, having been read three several times and concurred in are herewith returned, also H. B. No. 202 concurred in as amended.

Respectfully submitted,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that H. B. No. 248 not concurred in, H. B. 231 not concurred in, and are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the Senate have asked the House to appoint a conference committee on Senate Bill 59 and send back notification as early as possible.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker appointed MacGinniss, Norton and Murray as a conference committee to act with a like committee from the Senate on Senate Bill No. 59.

March 4, 1909.

Mr. Speaker.

I am directed by the Senate to inform your Honorable Body that the Senate refuses to concur in House amendments to S. B. 122.

Respectfully submitted,

NATHAN GODFREY, Secretary.

## THIRD READING OF HOUSE BILLS.

Senate Substitute for House Concurrent Resolution No. 6, title approved, was read a third time and concurred in by the following vote.

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—60.

Noes: None.

Absent and not voting: Bogart, Christler, Clayberg, Gray, Groff, Jacobson, Largey, Mitchell, Roy, Warren, Wilham.—11. Total 71.

House Joint Resolution No. 6, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Berkin, Burke, Christler, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hanifen, Harbert, Hunter, Hutchinson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—57.

Noes: None.

Absent and not voting: Arnett, Clayberg, Crutchfield, Gray, Groff, Hammond, Hayes, Jacobson, Lehrkind, Mitchell, O'Donnell, Roy, Warren, Wilham.—14. Total 71.

Substitute for H. B. No. 29, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Duncan, Eliel, Elliott, Frank, Giovanetti, Hall, Hammond, Hanifen, Hunter, Jacobson, Kelsey, King, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, McGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Whaley, Werner, Witmer, Wood, Mr. Speaker.—52.

Noes: Dowling, White.—2.

Absent and not voting: Allen, Bogart, Burke, Edgerton, Garber, Gibson, Gray, Groff, Hayes, Harbert, Hutchinson, Mitchel, Pomeroy, Smith, Warren, Wilham, Woody.—17. Total 71.

House Bill No. 277, title amended as follows: "By striking out the words "Jan. 31, 1909," and inserting in lieu thereof the words "at the time of the approval thereof" ", was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings, H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter,



Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Burke, Christler, Garber, Gibson, Largey, Lehrkind, Mitchell, Pomeroy, Warren, Wilham, Wood, Woody.—13. Total 71.

H. B. No. 205, title approved was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Gibson, Giovanetti, Gray, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Woody, Mr. Speaker.—57.

Noes: Hall, Norton.—2.

Absent and not voting: Christler, Cluston, Garber, Groff, Harbert, Lehrkind, Mitchell, Ray, Shoemaker, Warren, Wood, Lehrkind.—12. Total 71.

H. B. No. 240, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Butzerin, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Woody, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Arnett, Burke, Byrnes, Christler, Edgerton, Garber, Gibson, Harbert, Mitchell, MacGinniss, Shoemaker, Wilham, Wood.—13. Total 71.

#### REPORT OF CONFERENCE COMMITTEE.

Helena, Montana, March 4, 1909.

Mr. Speaker.

Your Conference Committee, appointed upon Senate Bill No. 2, being a bill for an Act entitled, "An Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such institutions, to be known and designated as the "Interest and Income Funds" of each of such institutions, reducing the appropriations from the General Fund; and providing for the reports by said Educational Institutions of all Moneys received from appropriations made to them under the laws of the United



States," beg leave to report and state that they have had said bill and the amendment offered thereto by the House, under consideration, and recommend that the house recede from its amendment.

SELWAY.

MEYER.

CONROW, Committee from Senate.

NORTON.

SWICK.

WHALEY, Committee from House.

Report adopted.

Mr. Speaker.

The Joint Conference Committee appointed by the House and Senate with reference to the amendment made by the House to Senate Bill No. 36 recommend that the House recede from its amendment.

Respectfully submitted,

MEYER.

ALBRIGHT.

McCARTHY, Committee from Senate.

FRANK.

HARBERT, Committee from House.

Motion to adopt carried

H. B. No. 293, title approved, was read a third time and lost by the following vote:

Ayes: Allen, Coit, Crouch, Cummings T. A., Derry, Duncan, Eliel, Elliott, Frank, Hall, Hammond, Hutchinson, Kilgallon, Largey, Lowney, Maxwell, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Shaw, Smith, Thompson, White, Woody, Mr. Speaker.—27.

Noes: Arnett, Bogart, Butzerin, Clayberg, Cluston, Connelly, Cummings H. T., Dowling, Edgerton, Garber, Gibson, Giovanetti, Gray, Groff, Hanifen, Hayes, Hunter, Jacobson, Kelsey, King, Lehrkind, Metzel, Murray, Norton, O'Donnell, Roy, Safley, Swick, Ward, Warren, Whaley, Werner, Witmer.—33.

Absent and not voting: Brewster, Berkin, Burke, Byrnes, Christler, Crutchfield, Harbert, Mitchell, Shoemaker, Wilham, Wood.—11. Total 71.

H. B. No. 294, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Brewster, Christler, Crutchfield, Gibson, Groff, Lehrkind, Murray, O'Donnell, Swick, Wilham.—10. Total 71.

H. B. No. 336, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Clayberg, Cluston, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Woody, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Byrnes, Christler, Coit, Edgerton, Gibson, Lehrkind, Norton, Smith, Wilham, Wood.—10.

H. B. No. 389, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Pierson, Pomeroy, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—61.

Noes: None.

Absent and not voting: Christler, Eliel, Hayes, Lehrkind, Maxwell, Norton, Owenhouse, Shoemaker, Warren, Wilham.—10. Total 71.

H. B. No. 391, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—63.

Noes: None.

Absent and not voting: Brewster, Christler, Duncan, MacGinniss, Norton, O'Donnell, Swick, Warren.—8. Total 71.

H. B. No. 309, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummnigs T. A., Dowling, Duncan, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lehrkind, Lowney, Maxwell, Metzel, Murray, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Werner, White, Witmer, Wood, Woody Mr. Speaker.—56.

Noes: None.

Absent and not voting: Burke, Christler, Derry, Edgerton, Eliel, Largey, Mitchell, MacGinniss, Norton, O'Donnell, Swick, Ward, Warren, Whaley, Wilham.—15. Total 71.

H. B. No. 211, title approved, was read a third time and lost by the following vote:

Ayes, Arnett, Bogart, Brewster, Berkin, Christler, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Edgerton, Eliel, Gibson, Hall, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Murray, Safley, Shaw, Smith, Thompson, Ward, Werner, White, Witmer.—29.

Noes: Allen, Clayberg, Cluston, Crouch, Crutchfield, Dowling, Duncan, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hammond, Hanifen, Hayes, Harbert, Kilgallon, King, Lehrkind, Lowney, Mitchell, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Whaley, Wood, Woody, Mr. Speaker.—34.

Absent and not voting: Burke, Butzerin, Byrnes, Largey, Shoemaker, Swick, Warren, Wilham.—8. Total 71.

H. B. No. 204, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Christler, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Elliott, Frank, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, King, Lowney, Mitchell, Murray, MacGinniss, Owenhouse, Pomeroy, Roy, Shaw, Shoemaker, Smith, Ward, Whaley, Werner, Witmer, Wood, Woody, Mr. Speaker.—41.

Noes: Coit, Crutchfield, Garber, Groff, Hunter, Kelsey, Lehrkind, Maxwell, Metzel, Pierson, Safley, White.

Absent and not voting: Berkin, Burke, Butzerin, Byrnes, Clayberg, Edgerton, Eliel, Gibson, Gray, Kilgallon, Largey, McCoy, Norton, O'Donnell, Thompson, Swick, Warren, Wilham.—18. Total 71.

H. B. No. 238, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Giovanetti, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, King, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, MacGinniss, Murray, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody Mr. Speaker.—50.

Noes: Coit, Crutchfield, Garber.—3.

Absent and not voting: Burke, Butzerin, Byrnes, Christler, Edgerton, Gibson, Gray, Groff, Harbert, Kilgallon, Largey, McCoy, O'Donnell, Thompson, Wilham.—16. Total 71.

H. B. No. 374, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Burke, Clayberg, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehr-

kind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Ward, Warren, Werner, White, Witmer, Woody, Mr. Speaker.—50.

Noes: Coit.—1.

Absent and not voting: Brewster, Butzerin, Byrnes, Christler, Crutchfield, Duncan, Gibson, Gray, Groff, Harbert, Kilgallon, McCoy, Norton, O'Donnell, Safley, Thompson, Swick, Whaley, Wilham, Wood.—20. Total 71.

Sub. H. B. No. 182, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, McCoy, Norton, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Ward, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Christler, Connelly, Crutchfield, Edgerton, Gibson, Gray, Harbert, Kilgallon, McCoy, O'Donnell, Pomeroy, Roy, Safley, Thompson, Swick, Warren, Whaley, Wilham.—17. Total 71.

H. B. No. 202, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—55.

Noes: Hunter, Kelsey.—2.

Absent and not voting: Arnett, Christler, Crutchfield, Gibson, Gray, MacGinniss, McCoy, Norton, Pomeroy, Safley, Warren, Whaley, Connelly, Harbert.—14. Total 71.

H. B. No. 280, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Connelly, Crutchfield, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Ward, Warren, Whaley, Werner, White, Wilham, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Arnett, Christler, Crouch, Cummings H. T., Edgerton, Frank, Gibson, Harbert, Lehrkind, MacGinniss, McCoy, Norton, Smith, Thompson, Swick, Witmer, Wood, Woody.—18. Total 71.

H. B. No. 257, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crutchfield, Cummings H. T., Eliel, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hayes, Hunter, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, Owenhouse, Safley, Shaw, Shoemaker, Smith, Thompson, Ward, Werner, White, Witmer, Wood, Woody Mr. Speaker.—44.

Noes: Crouch, Dowling, Duncan, Elliott, Hanifen, Jacobson, King, Metzel, Roy, Warren, Wilham.—11.

Absent and not voting: Berkin, Cummings T. A., Derry, Edgerton, Gibson, Gray, Harbert, Hutchinson, Maxwell, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Swick, Whaley.—16. Total 71.

H. B. No. 384, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings T. A., Dowling, Frank, Garber, Giovanetti, Groff, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Pierson, Pomeroy, Roy, Shaw, Ward, Warren, White, Wilham, Mr. Speaker.—44.

Noes: Brewster, Cummings H. T., Derry, Duncan, Eliel, Elliott, Gibson, Hall, Harbert, Jacobson, King, Safley, Thompson, Werner, Witmer, Wood.—16.

Absent and not voting: Berkin, Edgerton, Gray, Maxwell, Norton, Owenhouse, Shoemaker, Smith, Swick, Whaley, Woody.—11. Total 71.

H. B. No. 245, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Pierson, Pomeroy, Shaw, Shoemaker, Thompson, Ward, Werner, White, Witmer, Wood, Mr. Speaker.—53.

Noes: Warren.

Absent and not voting: Arnett, Berkin, Edgerton, Frank, Gibson, Gray, Maxwell, Metzel, Norton, Owenhouse, Roy, Safley, Smith, Swick, Whaley, Wilham, Woody.—17. Total 71.

House Joint Resolution No. 12, title approved, was read a third time and passed by the following vote:

Ayes: Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy,



Shaw, Thompson, Ward, Warren, Werner, White, Wilham, Witmer, Mr. Speaker.—54.

Noes: None.

Absent and not voting. Allen, Arnett, Christler, Connelly, Edgerton, Garber, Gray, Metzel, Norton, Roy, Safley, Shoemaker, Smith, Swick, Whaley, Wood, Woody.—17. Total 71.

H. B. No. 271, title approved, was read a third time and passed by the following vote:

Ayes: Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Cluston, Coit, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Maxwell, Mitchell, Murray MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Werner, White, Wilham Witmer, Mr. Speaker.—51.

Noes: None.

Absent and not voting. Allen, Arnett, Christler, Clayberg, Connelly, Crouch, Edgerton, Frank, Gibson, Gray, Hunter, King, Lowney, Metzel, Norton, Safley, Swick, Whaley, Wood, Woody.—20. Total 71.

H. B. No. 201, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hutchinson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Pierson, Roy, Shaw, Shoemaker, Thompson, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—53.

Noes: None.

Absent and not voting: Arnett, Clayberg, Connelly, Edgerton, Frank, Gibson, Hunter, Jacobson, King, Norton, O'Donnell, Owenhouse, Pomeroy, Safley, Smith, Swick, Wood, Woody.—18. Total 71.

Mr. Speaker announced that he was about to sign S. Bs. Nos. 76 and 112 and thereupon signed them in the presence of the House.

### THIRD READING OF SENATE BILLS.

S. B. No. 127, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Eliel, Elliott, Gibson, Giovanetti, Gray, Hall, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: Duncan, Garber.—2.

Absent and not voting. Arnett, Connelly, Edgerton, Frank, Groff,



Hanifen, Kilgallon, Mitchell, Norton, Warren, Woody.—11. Total 71.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Cluston in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported progress and asked leave to sit again.

CLUSTON, Chairman of Committee of the Whole.

On motion, House resolved itself into Committee of the Whole for the consideration of Senate bills and members allowed only two minutes speech.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Bill No. 130: A bill for an Act entitled, "An Act to approve, confirm and ratify sales of State lands heretofore made," having had said bill under consideration and recommend the Enacting Clause be stricken out

Also S. B. No. 65: A bill for an Act entitled, "An Act to create the County of Lincoln, designate its boundaries and provide for its organization and government," having had said bill under consideration and recommend the same be concurred in.

CLUSTON, Chairman of Committee of the Whole.

Report adopted.

#### MESSAGES FROM THE SENATE.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that H. B. No. 291, having been read three several times and concurred in, is herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bills Nos. 332, 210, 217 and House Sub. to Senate Bill 17, having been read three several times and concurred in, are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

#### MESSAGE FROM THE GOVERNOR.

March 4, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that the following House bills have

been approved and deposited with the Secretary of State:

No. 153: An Act to repeal Section 8368 of the Revised Codes of the State of Montana, 1907, relating to the burial of bodies without physician's certificate.

No. 198: An Act to amend Section 1770 of the Revised Codes of Montana of 1907, relating to the burial of dead bodies, and prescribing the duties of the attending physicians in making certificate of the cause of death.

No. 215: An Act appropriating money for the deficiency claims for expenses of the State Auditor.

No. 234: An Act appropriating money to pay the per diem and mileage of witnesses called by the joint committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office, and to pay expenses of taking and transcribing testimony and serving subpoenas in said investigation.

No. 148: An Act concerning the duration and renewal of life insurance corporations and the number of directors thereof.

No. 94: An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State.

H. Conc. Res. No. 2: Relating to applications by the institutions of higher education of the State of Montana for admission to the benefits of the retiring allowance system of the Carnegie Foundation for the Advancement of Teaching.

Sub. for 172: An Act relating to certain deputy and assistant county officers in counties of the first class.

No. 170: An Act relating to the selling or dispensing of liquor in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license.

No. 124: An Act to amend Section 5119, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to loggers' liens.

No. 166: An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds.

No. 223: An Act to amend Section 3232 of the Revised Codes of Montana, 1907, relating to judges and clerks of election, voting precincts and election precincts within cities and towns.

No. 254: An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns.

No. 259: An Act prohibiting the wearing of the uniform of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof.

No. 281: An Act to insure accuracy in the sampling of ores.

EDWIN L. NORRIS, Governor.

Mr. Speaker announced that he was about to sign Senate Bill No. 82, Senate Sub. for H. C. R. No. 6, and Senate Bills 96, 73, 79, 88 and 95 and thereupon signed them in the presence of the House.

On motion of Norton, House recessed until 8:00 P. M.

#### EVENING SESSION.

House met pursuant to recess at 8:00 P. M.

Mr. Speaker in the chair.

Roll call. Quorum present.

#### MESSAGE FROM THE GOVERNOR.

March 4, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that the following House Bills have been approved and deposited with the Secretary of State:

No. 220: An Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from orphans' home or asylum.

No. 233: An Act to amend Section 7891 of the Revised Codes of Montana, of 1907, relating to witnesses.

No. 96: An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to provide for the maintenance thereof.

EDWIN L. NORRIS, Governor.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 65, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Clayberg, Cluston, Coit, Connelly, Cummings T. A., Derry, Dowling, Edgerton, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Largey, Lehrkind, Maxwell, Metzel, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Safley, Shaw, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.--50.

Noes: Byrnes, Crouch, Cummings H. T., Duncan, Eliel, Groff, Hammond, Mitchell, Murray, Pierson, Pomeroy, Roy, Shoemaker, Smith, Thompson, Wood.--16.

Absent and not voting: Crutchfield, Gray, Harbert, Warren, Woody.--5. Total 71.

Report of Steering Committee for March 4, P. M.

Senate Bills 125, 123, 120, 100, 90, 119, 14, S. Con. Res. 1, S. Bs. 61, 55, 131, H. J. R. 8, Sub. H. B. 55, H. B. 323, Sub. H. B. 209, H. Bs. 392, 136, 287, 357, 275, 268, 335, 379, 351, 342, 309, 385, 152, 258, 40, 378, 375, 362, 348, 300, 175. Third Reading 65.

COMMITTEE, MacGinniss, Chairman.

Steering Committee Report March 4: (8:00 P. M.)

Put on General Orders 222 and 327. Take off 300 after this vote is announced. 375, 242, 362, 348, 222, 327, 175.

COMMITTEE, MacGinniss, Chairman.

Steering Committee report March 4, (10:00 P. M.)  
362, 286, 129, 362.

COMMITTEE, MacGinniss, Byrnes.

Report of Steering Committee 11:45 P. M.

Put up on General Orders S. B. 129.

MACGINNISS, Chairman.

Report of Steering Committee 11:55 P. M.

Take off General Orders S. B. 91.

COMMITTEE, MacGinniss, Chairman.

### MESSAGES FROM THE SENATE.

Helena, Montana, March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bills Nos. 391 and 271, having been read three several times and concurred in, are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bills 162, 366, 240, 400, 321, 260, 359, 336, 320, 289, 245, 309, 374, 204, Sub. for H. B. 278, H. J. Resolution No. 6 and H. J. Resolution No. 5 and Sub. for H. B. No. 10, having been read three several times and concurred in, are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bills 206, 394, 297, 363, 397, 93, 393, 133, 167, 365, 261, 275, 395, 401, 19, 322, 315, 343, 380, 208, 368, 390, 387, and Sub for H. B. 288, and H. J. Res. 13, having been read three several times and concurred in are herewith returned.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Sub. for House Bill No. 314 having been read three several times and concurred in as amended is herewith returned for your concurrence to Senate Amendments to Sub. H. B. 314.

Respectfully submitted,

NATHAN GODFREY, Secretary.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Bill 132 having been read three several times is herewith transmitted for your concurrence.

Respectfully submitted,

NATHAN GODFREY, Secretary.

## MESSAGE FROM THE GOVERNOR.

March 4, 1909.

The Speaker of the House of Representatives,  
House of Representatives,  
Helena, Montana.

I have the honor to advise you that the following House Bills have been approved and deposited with the Secretary of State:

No. 256: Relative to division of cities and towns into wards by city or town councils.

Sub. for H. Bs. 24 and 32: Relative to the protection and killing of wild game and beaver.

No. 272: Fixing the liability of a bank to its depositors for payment of forged or raised checks.

No. 344: Relative to salary and mileage of court stenographers.

No. 273: Concerning notaries public who are stockholders, directors, officers or employees or other corporations.

No. 201: Regulating hours of labor of telephone operators.

No. 270: Relative to payment of instruments made payable at bank

Sub. for H. B. 210: Concerning tree planting and Arbor Day.

No. 390: Appropriations to defray expenses of State Prison investigating committee.

No. 387: Appropriation for payment of per diem of officers and attaches of the Eleventh Assembly.

No. 322: Appropriation for deficiency claims of State Deaf and Dumb Asylum.

No. 88: Directing sheriffs to visit places required to have liquor licenses.

EDWIN L. NORRIS, Governor.

Moved by Norton that when House resolve itself into Committee of the Whole for the consideration of General Orders, that no member be allowed to speak but one minute.

On motion, adopted.

On motion, House resolved itself into Committee of the Whole for the consideration of Senate Bills.

Norton in the chair.

## HOUSE RESUMED.

Mr. Speaker in the chair.

The Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Bills No. 131, 120, 123, 100, 125 and Senate Concurrent Resolution No. 1, beg leave to report having had the same under consideration and recommend the same be concurred in.

Also Sub. H. B. No. 55: Beg leave to report having had the same under consideration and recommend that the same do pass as amended:

Amend Section 2, by inserting after the words "a sewerage system", in line 16, the words "or to install a lighting system".

And in line 17 after the words "water supply," that there be added

the words "And said lighting system,"

NORTON, Chairman of Committee of Whole.

Report adopted.

On motion, the bills just considered in Committee of the Whole were considered engrossed and placed on third reading.

Mr. Speaker:

We, your Committee on Enrollment beg leave to report the following House Bills as correctly enrolled: Sub. for H. B. No. 52, 88, 108, 171, 201, 214, 243, 244, 256, 269, 270, 272, 273, 280, 306, 331, 346, 354, 372.

WOODY, Chairman.

Mr. Speaker announced that he was about to sign House Bills Nos 243, 331, 346, 52, 273, 108, 256, 306, 269, 171, 201, 270, 272, 280, 214, 354, 372 and 244 and thereupon signed them in the presence of the House.

### MOTION.

#### RESOLVED:

That the thanks of the House be extended to the Speaker, the Chief Clerk, the Assistant Clerks and the Sergeant-at-Arms and all the Employees of the House for their faithfulness, industry, fidelity and un-failing courtesy to all the Members and the Speaker is especially thanked for his uniform fairness, impartiality and consideration toward the whole House and particularly toward the minority.

MAXWELL.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Conference Committee on Senate Bill No. 59 beg leave to report that the Senate has concurred in House amendments.

NORTON.

Report adopted.

March 4, 1909.

Mr. Speaker:

We, your Committee on Enrollment, report the following bills correctly enrolled: 395, 397, 366, 245, 394, 289, 367, 321, 383, 393, 205, 10, 288 and 289.

WOODY, Chairman.

### THIRD READING OF SENATE BILLS.

S. B. No. 125, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Edgerton, Eliel, Elliott, Garber, Giovanetti, Hall, Hammond, Hanifen, Hutchinson, Kilgallon, King, Largey, Lowney, Mitchell, Murray, MacGinniss, O'Donnell, Pomeroy, Roy, Safley, Shoemaker, Swick, Whaley, Werner, White, Witmer, Mr. Speaker.—42.

Noes: Butzerin, Cluston, Crouch, Groff, Hayes, Hunter, Kelsey, Maxwell, Metzel, Pierson, Shaw, Smith, Thompson, Ward, Warren, Wilham.—16.

Absent and not voting: Crutchfield, Duncan, Frank, Gibson, Gray,



Harbert, Jacobson, Lehrkind, McCoy, Norton, Owenhouse, Wood, Woody.—13. Total 71.

S. B. No. 123, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Burke, Christler, Connelly, Crutchfield, Frank, Gibson, Harbert, King, Lehrkind, McCoy, Owenhouse, Pomeroy, Smith, Whaley, Wilham.—15. Total 71.

S. B. No. 120, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—56.

Noes: Burke, Hunter, Maxwell, Safley, Thompson.—5.

Absent and not voting: Crutchfield, Frank, Gray, Harbert, Largey, Lehrkind, Norton, Shoemaker, Smith, Wilham.—10. Total 71.

S. B. No. 100, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Wood, Warren, Whaley, Werner, White, Wilham, Witmer, Mr. Speaker.—62.

Noes: None.

Absent and not voting: Butzerin, Crutchfield, Edgerton, Frank, Gray, Harbert, Norton, O'Donnell, Woody.—9. Total 71.

S. B. No. 90, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Cluston, Coit, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey,

Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: Burke.—1.

Absent and not voting: Butzerin, Clayberg, Crutchfield, Cummings H. T., Derry, Edgerton, Frank, Gray, Harbert, Norton, O'Donnell, Woody.—12. Total 71.

S. B. No. 119, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Cluston, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, White, Wilham, Witmer, Wood, Mr. Speaker.—61

Noes: None.

Absent and not voting: Clayberg, Coit, Crutchfield, Frank, Gibson, Harbert, Kilgallon, Warren, Werner, Woody.—10. Total 71.

S. B. No. 14, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Cluston, Connelly, Derry, Dowling, Frank, Giovanetti, Hall, Hayes, Hunter, Jacobson, Kelsey, Kilgallon, King, Lowney, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Shaw, Shoemaker, Swick, White, Wilham, Witmer, Wood, Mr. Speaker.—36.

Noes: Burke, Clayberg, Coit, Crouch, Cummings H. T., Cummings T. A., Duncan, Eliel, Elliott, Garber, Gray, Groff, Hammond, Hanifen, Hutchinson, Lehrkind, Maxwell, Metzel, McCoy, Pierson, Pomeroy, Roy, Safley, Smith Thompson, Ward, Whaley, Woody.—29.

Absent and not voting: Crutchfield, Edgerton, Gibson, Harbert, Largey, Werner.—6. Total 71.

Senate Concurrent Resolution No. 1, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings, H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—68.

Noes: None.

Absent and not voting: Crutchfield, Edgerton, Gibson.—3. Total —71.

S. B. No. 55, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings, T. A. Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—69.

Noes: None.

Absent and not voting: Crutchfield, Woody.—2. Total 71.

S. B. No. 131, title approved, was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Clayberg, Connelly, Crouch, Cummings H. T., Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen Hutchinson, Kelsey, King, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Pierson, Pomeroy, Safley, Smith, Thompson, Swick, Whaley, White, Witmer, Mr. Speaker.—43.

Noes: Byrnes, Christler, Cluston, Cummings T. A., Dowling, Groff, Hayes, Hunter, Jacobson, Kilgallon, Lehrkind, Roy, Shaw, Shoemaker, Ward, Warren, Werner, Wilham Wood.—19.

Absent and not voting: Coit, Crutchfield, Gibson, Gray, Harbert, Norton. O'Donnell, Owenhouse, Woody.—9. Total 71.

House Bill No. 275, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gray, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Shoemaker, Thompson, Ward, Warren, Whaley, Werner, Witmer, Mr. Speaker.—52.

Noes: Gibson, Kelsey.—2.

Absent and not voting: Cluston, Crutchfield, Frank, Giovanetti, Groff, Harbert, Maxwell, Norton, O'Donnell, Safley, Shaw, Smith, Swick, White, Wilham, Wood, Woody.—17. Total 71.

H. B. No. 222, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Coit, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Hall, Hammond, Hanifen, Hayes, Hutchinson, Kelsey, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, Owenhouse, Pierson, Roy, Safley, Shoemaker, Thompson, Swick, Warren, Whaley, Werner, White, Wood, Mr. Speaker.—46.

Noes: None.

Absent and not voting: Allen, Burke, Butzerin, Cluston, Coit, Edgerton, Gibson, Groff, Harbert, Hunter, Jacobson, Kilgallon, King, Largey, Maxwell, McCoy, Norton, O'Donnell, Pomeroy, Shaw, Smith, Ward, Wilham, Woody.—25. Total 71.

Sub. H. B. No. 55, title aproved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, King, Largey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—54.

Noes: None.

Absent and not voting: Berkin, Cluston, Duncan, Edgerton, Hammond, Hayes, Harbert, Kilgallon, Lehrkind, Mitchell, Pierson, Smith, Thompson, Swick, Ward, Wilham, Woody.—17. Total 71.

H. B. No. 335, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hayes, Hutchinson, Jacobson, Kelsey, Largey, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—52.

Noes: None.

Absent and no voting, Christler, Cluston, Crutchfield, Gibson, Gray, Groff, Hall, Hammond, Henifen, Harbert, Hunter, Kilgallon, King, Lehrkind, Lowney, Maxwell, Thompson, Woody, Arnett.—19. Total 71.

H. B. No. 108, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Cummings, H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Hall, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Pierson, Pomeroy, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, Werner, Witmer, Woody, Mr. Speaker.—54.

Noes: Roy, White.—2.

Absent and not voting: Arnett, Christler, Cluston, Crutchfield, Frank, Gray, Groff, Hammond, Harbert, King, Maxwell, Owenhouse, Safley, Thompson, Wilham.—15. Total 71.

H. B. No. 379, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Garber, Gibson, Giovanetti,

Hall, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—55.

Noes: None.

Absent and not voting: Arnett, Burke, Crutchfield, Elliott, Frank, Gray, Groff, Hammond, Hayes, Harbert, Kilgallon, King, Maxwell, Safley, Wilham, Woody.—16. Total 71.

H. B. No. 362, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Allen, Bogart, Butzerin, Connelly, Crutchfield, Gray, Hammond, Hayes, Harbert, Hunter, King, O'Donnell, Safley, Wilham, Wody.—15. Total 71.

H. B. No. 327, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Coit, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hall, Hammond, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Largey, Lehrkind, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: None.

Absent and not voting: Allen, Butzerin, Cluston, Connelly, Crutchfield, Gray, Groff, Kilgallon, King, Maxwell, O'Donnell, Warren, Woody.—13. Total 71.

H. B. No. 348, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Coit, Connelly, Crouch, Cummings H. T., Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hammond, Hutchinson, Jacobson, Kelsey, King, Largey, Lehrkind, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Whaley, Werner, White, Witmer, Mr. Speaker.—50.

Noes: Cummings T. A., Gibson, Wood.—3.

Absent and not voting: Allen, Butzerin, Clayberg, Cluston, Crutchfield, Derry, Duncan, Hanifen, Hayes, Harbert, Kilgallon, Lowney, Max-



well, Ward, Warren, Wilham, Woody.—18. Total 71.

H. B. No. 242, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Hammond, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Metzel, Mitchell, Murray MacGinniss, Norton, O'Donnell, Owenhouse, Pomeroy, Roy, Safley, Thompson, Ward, Warren, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—55.

Noes: Lehrkind, Smith.—2.

Absent and not voting: Allen, Butzerin, Crutchfield, Gray, Groff, Hall, Hanifen, Maxwell, McCoy, Pierson, Shoemaker, Swick, Wilham, Woody.—14.

H. B. No. 375, title approved, was read a third time and lost by the following vote:

Ayes: Allen, Arnett, Burke, Christler, Connelly, Edgerton, Eliel, Elliott, Frank, Garber, Gray, Groff, Hall, Kelsey, Largey, MacGinniss, Owenhouse, Pierson, Roy, Shaw, Werner, White, Witmer, Mr. Speaker.—24.

Noes: Bogart, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Coit, Crouch, Cummings T. A., Derry, Duncan, Gibson, Giovanetti, Hunter, Hutchinson, Jacobson, Lehrkind, Lowney, Metzel, Mitchell, McCoy, Norton, O'Donnell, Pomeroy, Safley, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Wilham, Wood.—32.

Absent and not voting: Cluston, Crutchfield, Cummings H. T., Dowling, Hammond, Hanifen, Hayes, Harbert, Kilgallon, King, Maxwell, Murray, Smith, Woody.—14. Total 71.

H. B. No. 278, title approved, was read a third time and passed by the following vote:

Ayes: Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crutchfield, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, O'Donnell, Pierson, Safley, Shaw, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—58.

Noes: Pomeroy.—1.

Absent and not voting: Cluston, Crouch, Gray, Hammond, Norton, Owenhouse, Roy, Shoemaker, Smith, Thompson, Woody, Allen.—12 Total 71.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 2, 120, 18 and 55, and thereupon signed them in the presence of the House.

Senate Sub. for H. B. No. 314 was read a third time and concurred in by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Crouch, Derry, Duncan, Eliel, Elliott,



Garber, Giovanetti, Gray, Groff, Hammond, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—56.

Noes: None.

Absent and not voting: Burke, Butzerin, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Edgerton, Frank, Gibson, Hall, Hayes, Harbert, Warren, Whaley, Woody.—15. Total 71.

On motion, House resolved itself into Committee of the Whole for the consideration of General Orders.

Duncan in the chair.

### HOUSE RESUMED.

Mr. Speaker in the chair.

Mr. Speaker:

Your Committee of the whole, to whom was referred S. B. Nos. 125, 123, 120, 100, 90, 117, 14, 55, 131, and Senate Amendments to Sub. for H. B. 314, H. B. 379, 275, 222, 108 and 385, beg leave to report that the same be concurred in.

Also H. Bs. Nos. 351, 342, 258, 378, 375, 242, 348, 17, 326 and 276: Beg leave to report having had the same under consideration and recommend they do pass.

Also H. Bs. 152 and 402: Beg leave to report having had the same under consideration and recommend that they be indefinitely postponed.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 12, 202, 206, 208, 210, 228, 291, 322, 365, 387 and 390, and thereupon signed them in the presence of the House.

H. B. No. 258, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Cluston, Coit, Connelly, Cummings H. T., Derry, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hunter, Jacobson, Kelsey, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Safley, Shaw, Smith, Thompson, Swick, Warren, Werner, White, Witmer, Wood, Mr. Speaker.—48.

Noes: O'Donnell.—1.

Absent and not voting: Burke, Crouch, Crutchfield, Cummings T. A., Dowling, Gibson, Hammond, Hayes, Harbert, Hutchinson, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, Roy, Shoemaker, Ward, Whaley, Wilham, Witmer, Woody.—22. Total 71.

H. B. No. 375, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Christler, Coit, Connelly, Duncan, Eliel, Frank, Garber, Giovanetti, Groff, Hall, Hanifen, Hayes, Hutchinson, MacGinniss, O'Donnell, Pierson, Pomeroy, Shaw, Ward, Werner, White, Witmer, Mr. Speaker.—26.

Noes: Brewster, Crouch, Cummings T. A., Derry, Dowling, Elliott, Gibson, Hunter, Jacobson, Kelsey, Maxwell, Metzel, Owenhouse, Smith, Thompson, Warren, Whaley, Wood, Swick.—19.

Absent and not voting: Burke, Butzerin, Byrnes, Clayberg, Cluston, Crutchfield, Cummings H. T., Edgerton, Gray, Hammond, Harbert, Kilgallon, King, Largey, Lowney, Mitchell, Murray, McCoy, Norton, Roy, Safley, Shoemaker, Wilham, Woody, Lehrkind.—26. Total 71.

H. B. No. 385, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Butzerin, Christler, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hanifen, Hunter, Hutchinson, Jacobson, Kelsey, Maxwell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Shaw, Ward, Whaley, Werner, White, Witmer, Wood, Mr. Speaker.—40.

Noes: None.

Absent and not voting: Berkin, Burke, Byrnes, Clayberg, Cluston, Crutchfield, Cummings H. T., Edgerton, Frank, Gray, Hammond, Hayes, Harbert, Kilgallon, King, Largey, Lehrkind, Lowney, Metzel, Mitchell, Norton, O'Donnell, Roy, Safley, Shoemaker, Smith, Thompson, Swick, Warren, Wilham, Woody.—31. Total 71.

H. B. No. 351, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Coit, Connelly, Crouch, Crutchfield, Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Kelsey, Kilgallon, King, Largey, Lowney, Metzel, Mitchell, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Werner, White, Witmer, Wood, Mr. Speaker.—51.

Noes: Whaley.—1.

Absent and not voting: Burke, Clayberg, Cluston, Cummings H. T., Cummings T. A., Frank, Gray, Hayes, Harbert, Hunter, Hutchinson, Jacobson, Lehrkind, Maxwell, O'Donnell, Warren, Wilham, Woody.—10. Total 71.

H. B. No. 17, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Groff, Hall, Hammond, Hanifen, Harbert, Hunter, Hutchinson, Kelsey, Largey, Maxwell, Metzel, Murray, MacGinniss, McCoy, Norton, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Werner, White, Witmer, Wood, Mr. Speaker.—49.

Noes: Derry, Whaley.—2.

Absent and not voting: Burke, Cluston, Crouch, Crutchfield, Cumminge H. T., Gibson, Gray, Hayes, Jacobson, Kilgallon, King, Lehrkind, Lowney, Mitchell, O'Donnell, Shaw, Swick, Warren, Wilham, Woody.—20. Total 71.

H. B. No. 286, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Burke, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Hall, Hutchinson, Jacobson, Kilgallon, King, Largey, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—51.

Noes: Crouch, Cummings T. A., Hunter, Kelsey, Lehrkind.—5.

Absent and not voting: Clayberg, Crutchfield, Derry, Gibson, Groff, Hammond, Hanifen, Hayes, Harbert, Lowney, McCoy, Safley, Woody, Bogart, Cummings H. T.—15. Total 71.

H. B. No. 276, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Bogart, Brewster, Berkin, Christler, Cluston, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Hutchinson, Jacobson, Kelsey, Kilgallon, King, Largey, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, McCoy, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—57.

Noes: Lehrkind.—1.

Absent and not voting: Burke, Butzerin, Byrnes, Clayberg, Crutchfield, Cummings H. T., Hammond, Harbert, Hunter, Norton, O'Donnell, Warren, Woody.—13. Total 71.

H. B. No. 268, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Christler, Coit, Connelly, Crouch, Dowling, Elliott, Garber, Gibson, Giovanetti, Gray, Hall, Hanifen, Hayes, Hunter, Jacobson, Kilgallon, Largey, Lowney, Metzel, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Roy, Safley, Shaw, Smith, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—43.

Noes: Cummings T. A., Derry, Eliel, Groff, Kelsey, Maxwell, Pierson.—7.

Absent and not voting: Bogart, Berkin, Burke, Butzerin, Clayberg, Cluston, Crutchfield, Cummings H. T., Duncan, Edgerton, Frank, Hammond, Harbert, Hutchinson, King, Lehrkind, Mitchell, Pomeroy, Shoemaker, Woody.—21. Total 71.

Mr. Speaker announced that he was about to sign H. J. M. No. 5 and S. Bs. Nos. 113, 119 and 100, and thereupon signed them in the presence of the House.

H. B. No. 287, title approved, was read a third time and lost by the following vote:

Ayes: Allen, Butzerin, Byrnes, Crouch, Derry, Frank, Elliott, Garber, Giovanetti, Hutchinson, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Safley, Werner, Mr. Speaker.—19.

Noes: Arnett, Brewster, Coit, Connelly, Cummings T. A., Gibson, Groff, Hall, Hunter, Jacobson, Kelsey, Metzel, McCoy, Pomeroy, Roy, Shaw, Thompson, Swick, Ward, Whaley, White, Witmer.—22.

Absent and not voting: Bogart, Berkin, Burke, Christler, Clayberg, Cluston, Crutchfield, Cummings H. T., Dowling, Duncan, Edgerton, Frank, Gray, Hammond, Hanifen, Hayes, Harbert, Kilgallon, King, Largey, Lehrkind, Lowney, Maxwell, Mitchell, Shoemaker, Smith, Warren, Woody, Wood, Wilham.—30. Total 71.

H. B. No. 136, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Christler, Coit, Connelly, Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hall, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Kelsey, Lehrkind, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pomeroy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Whaley, Werner, White, Witmer, Wood, Woody, Mr. Speaker.—43.

Noes: Jacobson.—1.

Absent and not voting: Bogart, Berkin, Burke, Butzerin, Byrnes, Clayberg, Cluston, Crouch, Crutchfield, Cummings H. T., Cummings T. A., Duncan, Gibson, Gray, Groff, Harbert, Kilgallon, King, Largey, Lowney, Mitchell, McCoy, Pierson, Roy, Smith, Warren, Wilham.—27. Total 71.

H. B. No. 392, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Christler, Connelly, Crouch, Dowling, Eliel, Frank, Garber, Gibson, Giovanetti, Groff, Hall, Hammond, Hanifen, Harbert, Hutchinson, Lehrkind, Lowney, Mitchell, Murray, MacGinniss, McCoy, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Safley, Ward, Warren, Whaley, Wilham, Woody, Mr. Speaker.—35.

Noes: Brewster, Butzerin, Coit, Cummings T. A., Derry, Elliott, Hunter, Jacobson, Kelsey, Maxwell, Metzel, Shaw, Thompson, Swick, White, Witmer.—16.

Absent and not voting: Bogart, Berkin, Burke, Byrnes, Clayberg, Cluston, Crutchfield, Cummings H. T., Duncan, Edgerton, Gray, Hayes, Kilgallon, King, Largey, Roy, Shoemaker, Smith, Werner, Wood.—20. Total 71.

H. B. No. 209, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Clayberg, Coit, Connelly, Crouch, Crutchfield, Cummings T. A., Derry, Dowling, Duncan, Eliel, Elliott, Frank, Garber, Giovanetti, Hammond, Hanifen, Hayes, Hunter, Hutchinson, Jacobson, Kelsey, Lowney, Maxwell, Metzel, Murray, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—50.

Noes: Lehrkind.—1.

Absent and not voting: Bogart, Burke, Christler, Cluston, Cummings T. A., Edgerton, Gibson, Gray, Groff, Hall, Harbert, Kilgallon, King, Largey, Mitchell, Norton, Pomeroy, Safley, Smith, Woody.—20. Total 71.

H. B. No. 323, title approved, was passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Byrnes, Christler, Coit, Connelly, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hunter, Hutchinson, Kelsey, Maxwell, Metzel, MacGinniss, McCoy, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Thompson, Swick, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—45.

Noes: None.

Absent and not voting: Bogart, Burke, Clayberg, Cluston, Crouch, Crutchfield, Cummings H. T., Frank, Garber, Hayes, Harbert, Jacobson, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, Murray, Norton, Pomeroy, Safley, Shoemaker, Smith, Ward, Warren.—26. Total 71.

H. B. No. 326, title approved, was read a third time and passed by the following vote:

Ayes: Allen, Arnett, Brewster, Berkin, Butzerin, Clayberg, Connelly, Crouch, Derry, Duncan, Edgerton, Eliel, Elliott, Gibson, Giovanetti, Gray, Hall, Hanifen, Jacobson, Kelsey, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Owenhouse, Pierson, Roy, Shaw, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Mr. Speaker.—26.

Noes: None.

Absent and not voting: Bogart, Burke, Byrnes, Christler, Cluston, Coit, Crutchfield, Cummings H. T., Cummings T. A., Dowling, Frank, Garber, Groff, Hammond, Hayes, Harbert, Hunter, Hutchinson, Kilgallon, King, Largey, Lehrkind, Lowney, McCoy, Norton, O'Donnell, Pomeroy, Shoemaker, Smith, Woody.—31. Total 71.

On motion House resolved itself into Committee of the Whole.  
Edgerton in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair:

Committee of the Whole reported as follows:

Mr. Speaker:

Your Committee of the Whole, to whom was referred S. Bs. Nos. 63, S. J. R. 6, S. B. 109, 105 and 97, beg leave to report as follows: That having had the same under consideration and recommend that they be concurred in; and that Senate amendments to H. B. 284 be not concurred in; also S. B. 128 be not concurred in.

March 4, 1909.

Mr. Speaker:

Your Committee on Enrollment beg leave to report as correctly enrolled, H. Bs. Nos. 314, 400, 378, 209, 133, 93, 17, 335, 342 and 309, and H. J. R. No. 8.

WOODY, Chairman.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 17, 19, 162, 222, 275, 315, 332, 359, 363 and S. B. 125, and thereupon signed them in the presence of the House.

#### THIRD READING OF BILLS.

S. J. R. No. 6, title approved, was read a third time and passed by



the following vote:

Ayes: Allen, Brewster, Berkin, Butzerin, Byrnes, Christler, Claybeg, Cluston, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hayes, Hutchinson, Jacobson, Maxwell, Metzel, Murray, MacGinniss, O'Donnell, Pierson, Roy, Safley, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—44.

Noes: None.

Absent and not voting: Arnett, Bogart, Burke, Coit, Crutchfield, Cummings H. T., Derry, Eliel, Frank, Gibson, Hammond, Hanifen, Harbert, Hunter, Kelsey, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, McCoy, Norton, Owenhouse, Pomeroy, Thompson, Werner.—27. Total 71.

S. B. No. 109, title approved, was read a third time and concurred in by the following vote:

Ayes: Brewster, Berkin, Butzerin, Byrnes, Chritler, Clayberg, Connelly, Crouch, Cummings T. A., Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Gray, Groff, Hall, Hayes, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Shaw, Shoemaker, Smith, Swick, Ward, Warren, Whaley, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—45.

Noes: None.

Absent and not voting: Allen, Arnett, Bogart, Burke, Cluston, Coit, Crutchfield, Cummings H. T., Derry, Gibson, Hammond, Hanifen, Harbert, Hunter, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, McCoy, Pomeroy, Roy, Safley, Thompson, Werner.—26. Total 71.

S. B. No. 63, title approved, was read a third time and concurred in by the following vote:

Ayes: Byrnes, Clayberg, Cluston, Coit, Crouch, Cummings H. T., Derry, Dowling, Edgerton, Eliel, Elliott, Frank, Garber, Giovanetti, Hall, Hayes, Hutchinson, Jacobson, Kelsey, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Pierson, Roy, Shaw, Shoemaker, Smith, Swick, Whaley, White, Wilham, Wood, Mr. Speaker.—36.

Noes: None.

Absent and not voting: Allen, Arnett, Bogart, Brewster, Berkin, Burke, Butzerin, Christler, Connelly, Crutchfield, Cummings T. A., Duncan, Gibson, Gray, Groff, Hammond, Hanifen, Harbert, Hunter, Kilgallon, King, Largey, Lehrkind, Lowney, Mitchell, McCoy, Owenhouse, Pomeroy, Safley, Thompson, Ward, Warren, Werner, Witmer, Woody.—35. Total 71.

S. B. 105, title approved, was read a third time and concurred in by the following vote:

Ayes: Berkin, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Crouch, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Giovanetti, Gray, Groff, Hall, Hanifen, Hayes, Harbert, Hutchinson, Jacobson, Kelsey, Kilgallon, Largey, Lehrkind, Maxwell, Mitchell, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Safley, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, White, Wilham, Witmer, Wood, Mr. Speaker.—51.

Noes: Hunter.—1.

Absent and not voting: Allen, Arnett, Bogart, Brewster, Burke,



Cluston, Crutchfield, Cummings H. T., Frank, Gibson, Hammond, King, Lowney, Metzel, Murray, McCoy, Smith, Werner, Woody.—19. Total 71.

S. B. No. 97, title approved, was read a third time and concurred in by the following vote:

Ayes: Arnett, Berkin, Butzerin, Byrnes, Christler, Clayberg, Coit, Connelly, Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Garber, Gibson, Giovanetti, Gray, Groff, Hall, Hammond, Hanifen, Hutchinson, Jacobson, Kelsey, Lehrkind, Maxwell, Metzel, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Roy, Shaw, Shoemaker, Thompson, Swick, Ward, Warren, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—50.

Noes: Hunter.—1.

Absent and not voting: Allen, Bogart, Brewster, Burke, Cluston, Crouch, Crutchfield, Cummings H. T., Frank, Hayes, Harbert, Kilgallon, King, Largey, Lowney, Mitchell, McCoy, Pomeroy, Safley, Smith.—20. Total 71.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report the following H. Bs. as correctly enrolled: H. Bs. Nos. 17, 19, 162, 222, 275, 315, 332, 359, 363.

LARGEY, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report H. Bs. 391, 217, 336, 257, 320, 401. Sub. for H. B. 251, H. J. R. 5, as correctly enrolled.

LARGEY, Acting Chairman.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 363, 359, 332, 315, 275, 222, 162, 19, Sub. for S. B. 17, Sub. for H. B. 351, H. B. 391, H. J. R. 5, H. Bs. 257, 220, 401, 395, 397, 366, 245, 394, 289, 367, 321, 383, 373, 205, 10, 288, 289, and thereupon signed them in the presence of the House.

On motion House resolved itself into Committee of the Whole for consideration of Senate amendments to H. B. 133.

Wilham in the chair.

#### HOUSE RESUMED.

Mr. Speaker in the chair.

Mr. Speaker:

Your Committee of the Whole, to whom was referred Senate Amendment No. 133, beg leave to recommend that the same be concurred in. Report adopted.

Senate Amendment to H. B. No. 133 was read a third time and concurred in by the following vote:

Ayes: Arnett, Berkin, Butzerin, Byrnes, Christler, Coit, Connelly, Cummings H. T., Cummings T. A., Derry, Dowling, Duncan, Edgerton, Eliel, Elliott, Frank, Garber, Hall, Hammond, Hanifen, Harbert, Hunter, Jacobson, Kelsey, Kilgallon, Lehrkind, Lowney, Maxwell, Metzel, Mitchell, Murray, MacGinniss, Norton, O'Donnell, Owenhouse, Pierson, Pomeroy, Roy, Shaw, Shoemaker, Smith, Thompson, Swick, Ward, Whaley, Werner, White, Wilham, Witmer, Wood, Woody, Mr. Speaker.—52.

Noes: None.

Absent and not voting: Allen, Bogart, Brewster, Burke, Clayberg, Cluston, Crouch, Crutchfield, Gibson, Giovanetti, Gray, Groff, Hayes, Hutchinson, King, Largey, McCoy, Safley, Warren.—19. Total 71.

#### MESSAGES FROM THE SENATE.

March 4, 1909.

Mr. Speaker.

I am hereby directed by the Senate to inform your Honorable Body that H. Bs. 242, 17, 362, 335, and 378 having been read three several times and concurred in are herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

March 4, 1909.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House Bill No. 342 having been read three several times and concurred in is herewith returned.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker.

I am instructed by the Senate that H. B. 284 has been this day read a third time and concurred in as amended and is herewith transmitted for your concurrence to Senate Amendments.

Respectfully,

NATHAN GODFREY, Secretary.

Mr. Speaker:

We, your Committee on Enrollment beg leave to report the following H. Bs. as correctly enrolled: H. B. No. 12, 202, 206, 208, 210, 228, 291, 322, 365, 387, 390.

WOODY, Chairman.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report the following House Bills as correctly enrolled: H. Bs. Nos. 278, 380, 297, 362, 242, 343, 374, 271, 368, 204, 360, 136, 335, 209, 378, and H. J. R. No. 6.

WOODY, Chairman.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 278, 380, 297, 362, 242, 343, 374, 271, 368, 204, 133, 360, and H. J. R. No. 6 and H. B. 136 and signed them in the presence of the House.

Mr. Speaker announced that he was about to sign H. Bs. Nos. 335, 209, 378, and signed them in the presence of the House.

Mr. Speaker:

I move that the Speaker appoint a Committee to wait upon the Senate and inform that Honorable Body, that the House of Representatives of the Eleventh Legislative Assembly has completed its business and is about to adjourn, and that a like Committee be appointed to wait upon his Excellency, the Governor, and inform him that the House has completed its business and is now about to adjourn sine die and do request him for any further communications which he may have to offer.

PIERSON.

Motion carried.

Mr. Speaker appointed Pierson, Berkin, and Cluston as a Committee to wait on the Governor; and Owenhouse, Garber and Hutchinson, to notify the Senate.

Committee from Senate notified the House that the Senate was about to adjourn sine die.

Pierson of the Committee appointed to notify the Governor, reported that the Committee had performed their duty, and notified the Governor.

Owenhouse of the Committee appointed to notify the Senate that the House was ready to adjourn reported having performed that duty.

On motion of Norton, the House adjourned sine die.

W. W. McDOWELL, Speaker.

Attest: CHAS. Z. POND, Chief Clerk.

We, hereby certify that the foregoing, consisting of pages (1) to four hundred (400) in Book No. 1 and pages one (1) to one hundred forty-eight (148) inclusive in Book No. 2, constitutes and is the Journal of the House of the Eleventh Legislative Assembly of the State of Montana.

W. W. McDOWELL, Speaker.

Attest: CHAS, Z. POND, Chief Clerk.

















